

# FEDERAL REGISTER

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## The President

### EXECUTIVE ORDER 9147

REVOCATION OF EXECUTIVE ORDER NO. 2987 OF NOVEMBER 4, 1918, PLACING CERTAIN LAND AND WATER AREAS UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY FOR USE AS A NAVAL AIR STATION

#### CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, Executive Order No. 2987 of November 4, 1918, placing certain land and water areas in Gatun Lake, Canal Zone, under the control of the Secretary of the Navy for use as a Naval Air Station, is hereby revoked and such land returned to the control and jurisdiction of the Governor of The Panama Canal.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 25, 1942.

[F. R. Doc. 42-3733; Filed, April 27, 1942; 2:36 p. m.]

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q. 499, Sup. 1—5th Rev.]

#### PART 301—DOMESTIC QUARANTINE NOTICES

#### JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED

*Introductory note.* The fumigation of packaged plants to free them from infestation by Japanese beetle has heretofore been authorized for treatment by fumigation with methyl bromide at 67° and 63° F. schedules. Further investigation has shown that boxed or wrapped plants can be fumigated successfully

with methyl bromide for this insect at all seven of the dosage and temperature schedules authorized for the treatment of balled and burlapped nursery stock. These instructions are accordingly revised to provide authorization for the use of any of these schedules for packaged plants.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.48-6, Chapter III, Title 7, Code of Federal Regulations [regulation 6 of the rules and regulations supplemental to Notice of Quarantine No. 48], paragraph (1) (5) of § 301.48b<sup>1</sup> [on page 13 of the mimeographed edition of circular B.E.P.Q. 499, issued June 9, 1939] is hereby further modified effective April 23, 1942, to read as follows:

§ 301.48-b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle.*

#### (1) Treatment authorized.

(5) *Methyl bromide fumigation—(i) Equipment.* An approved fumigation chamber equipped with vaporizing, air-circulating, and ventilating systems must be provided.

(ii) *Application.* After the chamber is loaded, the methyl bromide must be vaporized within it. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the plants removed. The ventilating system should also be in continuous operation during the entire period of removal of the fumigated articles.

(iii) *Fumigation of plants, with or without soil—(a) Temperatures, periods of treatment, and dosages.* The temperature of the soil (with bare root stock, the root spaces) and of the air for each type of treatment must remain throughout the entire period of treatment at the

<sup>1</sup> This section was originally issued as § 301.48a.

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minimum specified in the following table, or higher:

Temperature at least	Period of treatment	Dosage (methyl bromide per 1,000 cubic feet)
	Hours	Pounds
1. 73° F.....	2½	1½
2. 67° F.....	2½	2
3. 63° F.....	2½	2½
4. 60° F.....	3	2½
5. 57° F.....	3½	2½
6. 54° F.....	4	2½
7. 50° F.....	4½	2½

The dosage shall be for each 1,000 cubic feet including the space occupied by the load.

(b) *Preparation of plants.* The treatment is to be applied to plants with bare roots or in 14-inch pots or smaller, or in soil balls not larger than 14 inches in diameter nor thicker than 14 inches when not spherical. The soil should not be puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other they should not be jammed tightly together.

(c) *Packaged plants.* Boxed or wrapped plants in packages not more than 14 inches in diameter may be fumigated at any one of the above seven temperatures, periods of treatment, and schedules. In order that the fumigant may have access to the roots and soil masses about the roots, the wrapping shall not be tightly closed.

(d) *Varieties of plants.* The list of plants, including greenhouse, perennial, and nursery-stock types treated experimentally, is subject to continual expansion and, moreover, is too great to include in these instructions.

The schedule for the fumigation of strawberry plants as specified in paragraph (1) (5) (iv) of § 301.48b [page 14 of the mimeographed edition of circular B.E.P.Q. 499] remains the same as heretofore. (7 CFR § 301.48; sec. 8, 39 Stat. 1165, 44 Stat. 250, 7 U.S.C. 161)

This supplement supersedes Supplement No. 1—revised, dated August 6, 1941.<sup>1</sup>

Done at Washington, D. C., this 21st day of April 1942.

[SEAL]

P. N. ANNAND,  
Chief.

[F. R. Doc. 42-3772; Filed, April 28, 1942; 11:01 a. m.]

#### Chapter IX—Surplus Marketing Administration

##### PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

##### AMENDMENT NO. 4 TO ORDER, AS AMENDED, REGULATING HANDLING OF MILK

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Law 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, on September 28, 1939, and on December 1, 1939, made effective the order regulating the handling of milk in the New Orleans, Louisiana, marketing area.<sup>2</sup>

There being reason to believe that amendment of said order, as amended, would tend to effectuate the declared policy of the act, a notice was given on the 25th day of January 1940, of a hearing which was held on February 5, at New Orleans, Louisiana; at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 1 was issued, effective May 1, 1940.

There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 22d day of November 1940, of a hearing, which was held on November 29, at New Orleans, Louisiana, at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 2 was issued, effective April 1, 1941.

There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 10th day of October 1941, of a hearing which was held on October 29, at New Orleans, Louisiana, at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 3 was issued, effective February 1, 1942.

<sup>1</sup> 6 F.R. 4055.

<sup>2</sup> 5 F.R. 1592; 6 F.R. 1648; 7 F.R. 631.



There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 13th day of March 1942, of a hearing, which was held on March 19, at Amite, Louisiana; and on March 20, at New Orleans, Louisiana, at which times and places all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

The requirements of section 8c (9) of the act have been complied with.

It is found upon the evidence introduced at said latter hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

AUTHORITY: Amendments to §§ 942.0, 942.1, 942.3 to and including § 942.9, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. and Supp. 601 et seq.

#### § 942.0 Findings. \* \* \*

(p) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(q) That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(r) That the issuance of these amendments to the order, as amended, and all its terms and conditions, as so amended, tend to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended regulating the handling of milk in the New Orleans, Louisiana, marketing area, shall be, and it is hereby amended as follows:

1. Delete subparagraph (1) of § 942.5 (a) and substitute therefor the following:

(1) Class I milk—\$2.75 per hundredweight for the delivery periods of May, June, and July; \$3.15 per hundredweight for the delivery periods from August 1942 through March 1943, inclusive; and \$2.75 per hundredweight thereafter: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, 47 cents per hundredweight may be deducted from this price.

2. Delete subparagraph (2) of § 942.5 (a) and substitute therefor the following:

(2) Class II milk—\$2.08 per hundredweight for the delivery periods of May, June, and July; \$2.48 per hundredweight for the delivery periods from August 1942 through March 1943, inclusive; and \$2.08 per hundredweight thereafter.

3. Delete the proviso in subparagraph (6) of § 942.1, referring to new producers.

4. Delete in § 942.3 the words "and new producers" or "and new producer" save in subparagraph (a) (1) (f).

5. Delete in § 942.4 the words "and new producers" wherever appearing.

6. Delete in § 942.5 the words "and new producers" wherever appearing.

7. Delete in § 942.6 the words "or new producers."

8. Delete in § 942.7 (a) (1) the words "new producers."

9. Delete in § 942.7 (a) (2) the words "not including new producers."

10. Delete subparagraph (6) of § 942.7, renumber subparagraph (7) as subparagraph (6), and make the reference to subparagraph (6) therein read subparagraph (5).

11. Delete in § 942.8 (b) the words "and new producers."

12. Delete subparagraph (2) of paragraph (b) of § 942.8, insert the word "and" subsequent to the semicolon in subparagraph (1) of paragraph (b), and renumber subparagraph (3) of paragraph (b) as subparagraph (2), deleting therein the words "and new producers" wherever appearing and deleting all words in the subparagraph following the last reference to new producers.

13. Delete in § 942.8 (d) the words "or new producer" and in § 942.8 (e) the words "and new producers" wherever appearing.

14. Delete in § 942.9 the words "and new producers" wherever appearing.

15. In subparagraphs (1) and (4) of § 942.3 (a) insert the words, "excluding Sundays and legal holidays" after the 6th word, so that the expression will read, "on or before the 4th day, excluding Sundays and legal holidays, after the end of each delivery period \* \* \*"

16. Delete paragraph (b) of § 942.7 and substitute therefor the following:

(b) On or before the 2d day after the submission by handlers of the reports specified in subparagraphs (1) and (4) of § 942.3, the market administrator shall mail to all handlers, and publicly announce, the uniform price for each handler as determined pursuant to this paragraph, and the Class III price for such delivery period.

17. Delete paragraph (b) of § 942.8 and substitute therefor the following:

(b) On or before the 6th day after the submission of reports specified in subparagraphs (1) and (4) of § 942.3, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and to the location differentials set forth in paragraph (e) of this section, and less the payment in accordance with paragraph (a) of this section, for the

total value of milk received from producers and new producers during the delivery period, computed pursuant to sec. 942.7 (a) as follows:

18. In § 942.9, delete the words "on or before the 10th day after the end of each delivery period," and substitute therefor the following: "on or before the 6th day after the submission of reports specified in subparagraphs (1) and (4) of § 942.3."

19. Delete (a) of § 942.8 (a) and substitute therefor the following:

(a) *Time and method of payment.* On or before the 25th day of each delivery period each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, \$2.00 per hundredweight for May, June, and July; \$2.25 per hundredweight for August 1942 through March 1943; and \$2.00 per hundredweight thereafter to each producer.

Issued at Washington, D. C., this 27th day of April 1942, to become effective on and after the 1st day of May 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-3732; Filed, April 27, 1942; 2:33 p. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter III—Social Security Board, Federal Security Agency

[Reg. 3, Amended]

#### PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE<sup>1</sup>

##### INFORMING A PARTY OF THE RIGHT OF RECONSIDERATION AND HEARING

This regulation amends Regulations No. 3<sup>2</sup> by amending the second paragraph of paragraph (b) of § 403.706 of Subpart G of Regulations No. 3 as follows:

#### § 403.706 Initial determination. \* \* \*

(b) *Notice of initial determination.* \* \* \*

If the initial determination disallows, in whole or in part, the application or request of a party, or if the initial determination is to the effect that a parent was not wholly dependent upon and supported by a fully insured individual, or that a party's entitlement to benefits has ended, or that a reduction, deduction, or adjustment is to be made in benefits or a lump sum, or an increase in benefits is to be terminated, the notice of the determination sent to the party shall state the basis for the determination; the notice of such a determination shall also inform the party of the right to recon-

<sup>1</sup> Under title II of the Social Security Act, as amended, effective January 1, 1940.

<sup>2</sup> For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (20 CFR, 1940 Supp., 403.1)



sideration and hearing (see §§ 403.707-403.709) unless such determination is to the effect that a deduction or termination is to be made and such determination is based upon facts reported to the Bureau by the party to the determination. (Sec. 205 (a), 53 Stat. 1368, Sec. 1102, 49 Stat. 647; 42 U.S.C., 405 (a), 1302.)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this twenty-second day of April 1942.

[SEAL] SOCIAL SECURITY BOARD,  
A. J. ALTMAYER,  
Chairman.

Approved: April 24, 1942.

PAUL V. MCNUTT,  
Federal Security Administrator.

[F. R. Doc. 42-3735; Filed, April 27, 1942;  
3:40 p. m.]

## TITLE 24—HOUSING CREDIT

### Chapter IV—Home Owners' Loan Corporation

[Bulletin 43]

#### PART 403—PROPERTY MANAGEMENT DIVISION

The first paragraph of § 403.02 is amended to read as follows:

§ 403.02 *Property committee.* The Property Committee is a part of the Home Office organization of the Property Management Division. It consists of three members, one of whom is designated as Chairman of the Committee. The Committee shall refer to the General Manager or Deputy General Manager in Charge, for final decision, any cases where the Committee is not in agreement with the recommendations of the Regional Office. The concurrence of two members of the Committee shall be sufficient to decide any question that may be presented except in cases which are required by the Manual to be submitted to the General Manager or Deputy General Manager in Charge. Subject to this limitation on the authority of the Property Committee, its functions shall be:

The second paragraph of § 403.10 is amended to read as follows:

#### § 403.10 *Plans and terms of sale.*

*Property sales.* The Regional Manager shall have authority to effect sales of real properties under the jurisdiction of the Division and of any leasehold or other interests therein at or above the minimum sales price which shall be fixed in accordance with established procedure. Once a minimum sales price has been fixed in accordance with established procedure such price need not be revised by reason of subsequently authorized expenditures for reconditioning or other purposes unless such expenditures in the opinion of the Regional, State or District Manager authorizing them enhance the

value of the property. In cases where the value of the property is enhanced the officer authorizing the expenditure shall report to the Regional Manager his estimate of the extent of such enhancement and the new minimum sales price shall then be established by the Regional Manager. In those cases where the General Manager, Deputy General Manager in Charge, Home Office or Regional Property Committee has not established a minimum sales price for the property "as is" but has established such a price "as reconditioned" in accordance with a specific reconditioning program, the Regional Manager may determine to hold the property "as is" or to proceed only with limited repairs. In such cases he is authorized to reduce the minimum sales price previously set by such amount as, in his opinion, is appropriate but in no event by an amount in excess of the estimated cost of reconditioning items which he determines should not be performed. The authority granted to the Regional Manager in this paragraph shall not be exercised in any case where the General Manager, Deputy General Manager in Charge, Home Office or Regional Property Committee has directed otherwise.

Section 403.10 (b) is amended to read as follows:

(b) *Sales to former borrowers.* A sale by the Corporation of its property to any purchaser where the sale is required to be approved by the General Manager or Deputy General Manager in Charge as provided in § 403.02 (i) shall be subject to the sales price requirements of paragraph (a) hereof, if such purchaser is a former borrower as defined in said Paragraph (a).

(Effective April 15, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 42-3734; Filed, April 27, 1942;  
1:24 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter B—Division of Industry Operations

##### PART 1191—COFFEE

###### CONSERVATION ORDER NO. M-135

The uncertainty of shipments of coffee from abroad and the fulfillment of requirements for the defense of the United States have created a shortage in the supply of coffee for defense, for private account, and for export, and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1191.1 *Conservation Order M-135—*  
(a) *Applicability of Priorities Regulation No. 1.* This Order, and all transactions

affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions for the purpose of this Order.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Coffee" means packaged or unpackaged roasted coffee in any form—bean or ground, soluble, compounded, or otherwise processed or prepared.

(3) "Roaster" means any person who roasts green coffee owned by him or has such coffee roasted for his account by some other person.

(4) "Wholesale receiver" means any person (regardless of whether or not he is also a roaster) who buys coffee for:

(i) Resale exclusively or predominantly at wholesale.

(ii) Resale through four or more centrally-owned, affiliated, or independent stores owned or, for purchasing purposes, represented by him.

(iii) Resale at retail or for any other purpose not specified above, if his monthly purchases of coffee during 1941 averaged 2,000 pounds or more per month.

(5) "Corresponding quarter of 1941" means the one of the several three-month periods of 1941, commencing January 1, April 1, July 1, or October 1, which includes the month corresponding with a 1942 month, or portion thereof, for which a quota is prescribed hereunder.

(c) *General restrictions.* (1) No roaster shall deliver coffee roasted by or for him, except as permitted by this Order.

(2) No wholesale receiver shall accept delivery of coffee from any person, nor resell coffee, except as permitted by this order.

(3) No person shall accept delivery of coffee from any roaster, and no person shall deliver coffee to any wholesale receiver, with knowledge or reason to believe that such roaster is not entitled to deliver, or that such wholesale receiver is not entitled to accept delivery of, such coffee pursuant to this order.

(4) Every roaster and every wholesale receiver shall sell coffee equitably to purchasers and shall not favor purchasers who buy other products from them nor discriminate against purchasers who do not buy other products from them.

(d) *Quota restrictions and exceptions thereto.* (1) Except as permitted in paragraph (d) (4), no roaster shall, during the balance of April 1942 or during any month thereafter, deliver more coffee roasted by or for him, than a percentage, determined by the Director of Industry Operations from time to time, of such roaster's average monthly deliveries of such coffee during the Corresponding Quarter of 1941.



(2) Except as permitted in paragraph (d) (4), and subject to the inventory restriction of paragraph (e), no wholesale receiver shall, during the balance of April 1942 or during any month thereafter, accept delivery of more coffee than a percentage, determined by the Director of Industry Operations from time to time, of the average monthly deliveries of coffee accepted by such wholesale receiver during the corresponding quarter of 1941.

(3) Any roaster or any wholesale receiver who was not in business during the whole of the corresponding quarter of 1941 but was in business during the whole of the last quarter of 1941 may compute his quota under paragraphs (d) (1) or (d) (2) on the basis of the average monthly deliveries of coffee made by him (if he was a Roaster) or accepted by him (if he was a Wholesale Receiver) during the last quarter of 1941.

(4) Notwithstanding the foregoing restrictions, any roaster may, without charge to his quota, deliver coffee to or for any of the following persons, and any wholesale receiver may, without charge to his quota, accept delivery of coffee for redelivery to or for any of the following persons:

(i) The Army, the Navy, the Defense Supplies Corporation, Veterans' Administration hospitals and homes, or any Agency of the United States Government for supplies to be delivered to, or for the account of, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The American Red Cross or the United Service Organizations.

(iii) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessel.

(iv) Any person, for retail sale through concession restaurants at army or navy camps or through outlets not operated for private profit and established primarily for the use of army or navy enlisted personnel within army or navy establishments or on army or navy vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship service stores.

(5) All quotas hereunder shall be calculated quantitatively in terms of pounds.

(e) *Restrictions relating to wholesale receiver's inventory.* Except as specifically authorized by the Director of Industry Operations or for the purpose of filling orders under paragraph (d) (4):

(1) No wholesale receiver shall accept deliveries of coffee which will increase his inventory thereof to an amount in excess of a month's supply (which for purposes of this Order is, for any month, an amount equivalent to his quota for that month under paragraph (d) (2)); and

(2) No wholesale receiver who, on the effective date of this Order, has an inventory of coffee in excess of a month's supply may resell or deliver, during any month until such excess is disposed of, more than an amount equivalent to his

quota for that month under paragraph (d) (2).

*Provided, however,* That a wholesale receiver need not include, in determining whether his inventory of coffee exceeds a month's supply, any coffee actually in retail stores or outlets owned by him nor any coffee roasted by or for him (if he is a roaster as well as a wholesale receiver).

(f) *Advance deliveries.* Advance deliveries for any quota period may be made and accepted within ten days prior to the beginning of such period.

(g) *Existing contracts.* The fulfillment of existing contracts for the sale of coffee is permissible only to the extent that such fulfillment does not violate the quota or inventory restrictions imposed by this Order.

(h) *Reports.* Every roaster and every wholesale receiver participating in any transaction to which this Order applies shall execute and file with the War Production Board such reports and questionnaires as such Board may from time to time request.

(i) *Records.* Every roaster and every wholesale receiver participating in any transaction to which this Order applies shall keep and preserve, for a period of not less than two years, records which, upon examination, will disclose his total monthly inventories of coffee and the monthly deliveries made by him (if he is a roaster) or accepted by him (if he is a wholesale receiver). If the sales slips, invoices, bills or other instruments or records customarily employed by him are sufficient to furnish the information herein required, no additional record system need be installed to meet the requirements of this provision.

(j) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Applicability of Order.* (1) This Order applies to all coffee now in, or hereafter brought into, the Continental United States (excluding the Canal Zone and Alaska).

(2) In the case of any person who is both a roaster and a wholesale receiver, the provisions hereof applicable to roasters shall apply to his operations as a roaster, and the provisions hereof applicable to wholesale receivers shall apply to his operations as a wholesale receiver.

(l) *Violations.* Any person who willfully violates any provision of this Order, or who, in connection with this Order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(m) *Appeals.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts

and the reasons he considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(n) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-135

(o) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3775; Filed, April 28, 1942;  
11:33 a. m.]

#### PART 1191—COFFEE

##### SUPPLEMENTARY ORDER M-135-a

§ 1191.2 *Supplementary Order M-135-a.* Pursuant to Order M-135,<sup>1</sup> which this Order supplements:

(a) The Director of Industry Operations hereby determines that the quota of Coffee for any Roaster or any Wholesale Receiver under paragraphs (d) (1) or (d) (2), respectively, of § 1191.1 shall be, for the periods specified below, the following specified percentages of the average monthly deliveries made by him (if he was a Roaster) or accepted by him (if he was a Wholesale Receiver) during the corresponding Quarter of 1941:

(i) For the balance of April from the effective date of this Order through April 30, 1942, inclusive, three-thirtieths of 75 percent.

(ii) For the month of May 1942 and for each month thereafter until otherwise ordered, 75 percent.

(b) This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3776; Filed, April 28, 1942;  
11:33 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1306—IRON AND STEEL

##### AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE 6<sup>2</sup>—IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.<sup>3</sup>

<sup>1</sup> *Supra.*

<sup>2</sup> 7 F.R. 1215, 1836, 2132, 2153, 2298, 2299, 2351.

<sup>3</sup> Filed with the Division of the Federal Register.



Section 1306.8 (g) (3) (iv) is added as set forth below:

§ 1306.8 Definitions.

(g) (3) (iv) *Provided further*, That the delivered prices applicable to Toledo, Ohio, Detroit and Eastern Michigan and the Gulf Coast basing points, may be increased by the following amounts above the maximum prices which are otherwise applicable by virtue of this paragraph: On ingots, blooms, billets and slabs, 25¢ per gross ton; on all other iron and steel products 2¢ per hundred pounds. These increases shall be equally applicable to carload and less than carload shipments.

§ 1306.9 Effective dates of amendments.

(d) Amendment No. 4 (§ 1306.8 (g) (3) (iv)) to Revised Price Schedule No. 6 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3730; Filed, April 27, 1942;  
2:26 p. m.]

PART 1340—FUEL

AMENDMENT NO. 8 TO REVISED PRICE SCHEDULE NO. 88<sup>1</sup>—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1340.154 and § 1340.159 (c) (2) *Eastern Seaboard* are amended to read as set forth below:

§ 1340.154 *Records and reports*. (a) All purchase prices for crude petroleum as of October 1, 1941, whether or not such purchase prices were posted, shall be filed with this Office within thirty days after February 2, 1942, the effective date of Price Schedule No. 88<sup>2</sup> (§§ 1340.151 to 1340.159, inclusive). Purchase prices for crude petroleum described above may be submitted in the form of such price schedules or price lists as were in use on the dates specified, provided such price schedules or price lists are corrected to indicate any variance between the schedule or list price and the purchase price.

(b) Where a contract was in effect as of October 1, 1941, for the sale of crude petroleum at the well in excess of the posted purchase price for the pool involved, duly authenticated copies of such contracts shall be filed with this Office within thirty days after February 2, 1942, the effective date of Price Schedule No. 88.

(c) Where maximum prices for any sale or purchase of crude petroleum or sale of petroleum products are not provided for in § 1340.159, purchasers and sellers of crude petroleum and sellers of petroleum

products shall, within ten days after the purchase or sale in question, submit to this Office the price and description of the crude petroleum or petroleum product in question.

(d) Duly authenticated copies of all contracts entered into after March 7, 1942 involving the sale, purchase or exchange of the commodities exempted from §§ 1340.151 and 1340.159 shall be filed with this Office within fifteen days after the signing of such contracts, except as otherwise authorized in writing by the Office of Price Administration.

(e) Persons affected by Price Schedule No. 88 shall submit such other reports to the Office of Price Administration and keep such records as it may from time to time require.

(f) Reports required to be filed with this Office under paragraphs (a) and (b) of this section may be filed up to and including March 23, 1942, notwithstanding the time limitations contained in said paragraphs.

(g) Each person participating in the pool established under Recommendation No. 12, as amended,<sup>3</sup> of the Office of Petroleum Coordinator for National Defense shall submit to the Price Administrator within fifteen days after March 26, 1942 a certified statement of the volume of sales and applicable revenue, classified by products, and the extra expenses incurred from the date of that person's entrance into the pool through February 28, 1942 in the transportation of petroleum and petroleum products to or in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of the City of Bristol, Tennessee by railroad tank car or other alternative means of transportation, or any combination thereof, over transportation by tanker under the applicable rates established by the United States Maritime Commission; and each such person shall submit prior to the 30th day of each month thereafter supplementary statements of such sales, revenue and expenses for each preceding month. All persons participating in the pool referred to above shall submit jointly to the Price Administrator on or before March 26, 1942 an audit, broken down by persons, prepared and certified to by a firm of auditors and accountants, of the volume of sales and applicable revenue, classified by products, and the extra expenses referred to above incurred in compliance with Recommendation No. 12, as amended, from September 4, 1941 through February 28, 1942 and shall submit prior to the 30th day of each month thereafter supplementary audits of such sales, revenue and expenses, broken down by persons, for each preceding month.

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products*.

(c) *Specific prices*.

(2) *Gasoline*:

(ii) *Maximum prices for gasoline on the Eastern Seaboard*.

*Eastern Seaboard*. Maximum prices for gasoline sold in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of the City of Bristol, Tennessee shall not be in excess of 0.8 of a cent per gallon above the maximum prices in the above States and the District of Columbia as determined under § 1340.159 (b) (1) to (3). Such maximum increase of 0.8 of a cent per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase of 0.5 of a cent per gallon allowed for those communities below. Maximum prices for gasoline sold in the State of Florida, east of the Apalachicola River and in the State of Georgia shall not be in excess of 0.5 of a cent per gallon above the maximum prices as determined under paragraphs (b) (1) to (b) (3), inclusive, of this section.

§ 1340.158a *Effective dates of amendments*.

(h) Amendment No. 8 (§§ 1340.154, 1340.159 (c) (2) *Eastern Seaboard*) to Revised Price Schedule No. 88 shall become effective April 29, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 8.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3728; Filed, April 27, 1942;  
2:27 p. m.]

PART 1340—FUEL

AMENDMENT NO. 9 TO REVISED PRICE SCHEDULE NO. 88<sup>1</sup>—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new subdivision (iii) is added to § 1340.159 (c) (3) as set forth below and the Table, *Maximum tank wagon prices* in § 1340.159 (c) (2) is amended to read as follows:

§ 1340.159. *Appendix A: Maximum prices for petroleum and petroleum products*.

(c) *Specific prices*

(2) *Gasoline*

<sup>1</sup> 7 F.R. 1371, 1798, 1799, 2304, 2552, 2634.

<sup>2</sup> 7 F.R. 718.

<sup>3</sup> 6 F.R. 5538.

<sup>1</sup> 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945.



## MAXIMUM TANK PRICES, EXCLUDING TAXES

[In cents per gallon]

Tank wagon area	Third grade		Regular grade		Premium grade	
	Dealer	Consumer or commercial	Dealer	Consumer or commercial	Dealer	Consumer or commercial
<b>IOWA</b>						
Des Moines.....	9.4	10.4	9.9	11.4	11.4	13.4
<b>OHIO</b>						
Geneva.....	9.5	12	9.5	12	11	14
<b>WISCONSIN</b>						
Lodi.....	10.1	11.1	10.6	12.1	12.1	14.1
Madison.....	9.9	10.9	10.4	11.9	11.9	13.9
Mazomanie.....	9.9	10.9	10.4	11.9	11.9	13.9
Sauk City.....	10.1	11.1	10.6	12.1	12.1	14.1
Stoughton.....	9.9	10.9	10.4	11.9	11.9	13.9
Sun Prairie.....	10.1	11.1	10.6	12.1	12.1	14.1
<b>ARKANSAS</b>						
Fort Smith.....	6.25	6.25	9	9		
Little Rock.....	7	7	9.5	9.5		
Texarkana.....	7.5	7.5	9	9		
<b>NEW MEXICO</b>						
Roswell.....	9	9	10	10		
<b>NORTH DAKOTA</b>						
Fargo.....			11.4			
<b>MONTANA</b>						
Billings.....	11	11	12	12		
Butte.....	10.5	10.5	11.5	11.5		
Great Falls.....	11	11	12	12		
Helena.....	11	11	12	12		
<b>OKLAHOMA</b>						
Muskogee.....	6.75	6.75	7.75	7.75		
Oklahoma City.....	7	7	8	8		
Tulsa.....	7	7	8	8		
<b>WYOMING</b>						
Cheyenne.....	9	9	10	10		

## (3) Distillate fuel oils:

## (iii) Maximum tank wagon prices for kerosene:

Tank wagon area:	Cents per gallon
Cheyenne, Wyo.....	9
Roswell, N. Mex.....	7
Fort Smith, Ark.....	8
Texarkana, Ark.....	7

## § 1340.158a Effective dates of amendments.

(1) Amendment No. 9 (§§ 1340.159 (c) (2) and (c) (3) (iii) to Revised Price Schedule No. 88 shall become effective April 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3729; Filed, April 27, 1942;  
2:28 p. m.]

## PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

## MAXIMUM PRICE REGULATION NO. 128—PROCESSING PIECE GOODS

The maximum prices for finished piece goods established in Maximum Price Regulation No. 127,<sup>1</sup> issued simultaneously herewith, are based in part upon the prices of processing such piece goods. In order to prevent the prices of proc-

essing piece goods from increasing to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942 and thus tending to defeat such purposes and those of Maximum Price Regulation No. 127, it is necessary, in the judgment of the Price Administrator, to establish maximum prices for processing piece goods. The Price Administrator has ascertained and given due consideration to the prices of processing piece goods prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 128, is hereby issued.

AUTHORITY: §§ 1400.21 to 1400.32, inclusive, issued under Pub. Law 421, 77th Cong.

<sup>1</sup> §§ 1400.71 to 1400.84, inclusive.

<sup>2</sup> 7 F.R. 971.

§ 1400.21 Maximum prices for processing piece goods. (a) On and after May 4, 1942, regardless of any contract, agreement, lease, or other obligation:

(1) No job processor shall charge and no person shall pay for the processing of piece goods, in the course of trade or business, prices higher than the maximum prices established in paragraph (b) of this section for job processors; and

(2) No vertical organization shall, in determining its maximum prices for finished piece goods under Maximum Price Regulation No. 127, allocate to the processing of piece goods a price or cost higher than the maximum prices established in paragraph (c) of this section for vertical organizations; and

(3) No person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) The maximum price which any job processor may charge for processing piece goods shall be:

(1) The highest price contracted for by such job processor for the same or substantially the same type of service rendered to a customer of the same general class during the period between March 16 and April 15, 1942, inclusive; or

(2) If the maximum price cannot be determined under subparagraph (1) of this paragraph, the maximum price shall be the highest outstanding written quotation of such job processor during the period between March 16 and April 15, 1942, inclusive, for the same or substantially the same type of service rendered to a customer of the same general class; or

(3) If the maximum price cannot be determined under either of subparagraphs (1) or (2) of this paragraph, the maximum price shall be a price in line with the maximum price, as determined under subparagraphs (1) and (2), of the most nearly comparable processing service rendered by such job processor in the period between March 16 and April 15, 1942, inclusive, to a customer of the same general class:

Provided, That in all cases, including cases where the applicable maximum price is determined pursuant to subparagraphs (1), (2) or (3) of this paragraph, and any case where the maximum price cannot be determined thereunder, the maximum price shall be in line with the general levels of prices of processing piece goods prevailing between March 16 and April 15, 1942, giving consideration to the relative market value of each type of service and to the class of customer to whom it was rendered.

(c) The maximum price or cost which a vertical organization may allocate to the processing of piece goods in determining its maximum prices under Maximum Price Regulation No. 127,<sup>1</sup> shall be the general level of prices prevailing



during the period between March 16 and April 15, 1942, inclusive, for the same or substantially the same service in the same competitive area if performed by a job processor.

**§ 1400.22 Less than maximum prices.** Lower prices than those set forth in § 1400.21 may be charged or demanded by or paid or offered to job processors or may be allocated by vertical organizations to the processing of piece goods in determining maximum prices under Maximum Price Regulation No. 127.<sup>1</sup>

**§ 1400.23 Conditional agreements.** No job processor of piece goods shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1400.21 in the event that this Maximum Price Regulation No. 128, is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

**§ 1400.24 Evasion.** The price limitations set forth in this Maximum Price Regulation No. 128 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, or agreement relating to the processing of piece goods alone or in conjunction with any other commodity or service or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or by decreasing or discontinuing cash discounts or by making the discounts given or other terms or conditions of sale more onerous to the person to whom the service is rendered than those available or in effect on April 15, 1942, or by any other means. Specifically, but not exclusively, the following practices are prohibited:

(a) Altering the working allowance (i. e. the working loss or working gain) customarily granted with respect to a given processing operation on a given type of fabric.

**§ 1400.25 Waterproofing, water-repellant, special, exclusive or patented finishing processes.** Where the processing of piece goods by any job processor includes any waterproofing, water-repellant, special, exclusive or patented finishing process, such job processor shall ascertain the portion of the total price attributable thereto and shall deliver to the customer an invoice or similar document stating such price separately.

**§ 1400.26 Records.** (a) Every person processing piece goods in the course of trade or business on or after May 4, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years:

(1) Complete and accurate records of each such processing service performed including:

- (i) The date thereof;
- (ii) A full description of the type of service;
- (iii) Unfinished and finished reference samples of each lot of piece goods processed;
- (iv) In the case of a job processor, the name and address of the person to whom the service was rendered, the price per yard and the total price charged or received for such service;
- (v) In the case of a vertical organization, the itemized cost per yard, allocated to such service in determining maximum prices pursuant to Maximum Price Regulation No. 127.<sup>1</sup>

(2) In the case of a job processor:

- (i) A record of all prices contracted for during the period between March 16 and April 15, 1942, inclusive, for processing piece goods;
- (ii) A record of the highest written quotation of such job processor outstanding during the period between February 14 and April 15, 1942, inclusive, for each processing service on which a price was quoted by such job processor during said period;
- (iii) Where a maximum price for processing is determined to be in line with the maximum price of the most nearly comparable processing service, in accordance with § 1400.21 (b) (3), a description of the processing service with the price of which such maximum price is determined to be in line.

(b) Every such person shall keep such other records in addition to or in lieu of the records required by this section as the Office of Price Administration may from time to time require.

**§ 1400.27 Reports.** (a) Every job processor and vertical organization processing piece goods in the course of trade or business on or after May 4, 1942, shall submit to the Office of Price Administration a full report of its maximum prices determined pursuant to § 1400.21 for all types of processing services<sup>2</sup> performed by such job processor or vertical organization. Such report shall be submitted in duplicate on or before June 20, 1942, on Forms 228:1 and 228:2, whichever is appropriate, copies of which may be obtained from the Office of Price Administration.

(b) Every such job processor and vertical organization shall submit such other reports in addition to or in lieu of the reports required by this section as the Office of Price Administration may from time to time require.

<sup>2</sup> For the purpose of determining maximum prices, and for the purpose of reporting such maximum prices, each different class of color, each different class of pattern, each different finish, and each different put-up shall be regarded as a separate type of processing service, and shall be separately reported. Similarly, all terms and conditions of the contract, including working allowance, shall be separately shown on each report.

**§ 1400.28 Approval of maximum prices.** Any job processor or any vertical organization may request approval of the maximum prices reported by such job processor or vertical organization pursuant to § 1400.27 as being in conformity with the provisions of § 1400.21. In any case where a job processor or a vertical organization has received from the Office of Price Administration an approved maximum price list deemed by the Office of Price Administration to be in conformity with the maximum prices established by this Maximum Price Regulation No. 128, the prices set forth in such approved list shall for all purposes be deemed to constitute specific maximum prices for such job processor or vertical organization subject to such limitations as may be imposed by the Office of Price Administration in granting such approval: *Provided*, That a job processor or vertical organization which has received an approved maximum price list from the Office of Price Administration and which thereafter changes the type, grade or quality of any processing service by any means whatsoever or which adds any service not covered by the approved list, shall report such change to the Office of Price Administration and secure approval of a revised maximum price list before making any charge or allocation for such new or modified processing service.

**§ 1400.29 Enforcement.** (a) Persons violating any provision of this Maximum Price Regulation No. 128 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 128 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

**§ 1400.30 Petition for amendment.** Persons seeking any modification of this Maximum Price Regulation No. 128, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

**§ 1400.31 Definitions.** (a) When used in this Maximum Price Regulation No. 128, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Piece goods" means woven fabrics, more than 12 inches in width, composed in the amount of seventy-five percent or more by weight, of either cotton fibre or chemically produced yarn or

<sup>1</sup> §§ 1400.71 to 1400.84, inclusive.



fibre made from cellulose or with a cellulose base, or of any mixtures thereof.

(3) "Processing" means bleaching, napping, dyeing, printing, mercerizing or otherwise finishing and shall include put-up.

(4) "Job processor" means a person engaged in the business of processing piece goods owned by another.

(5) "Vertical organization" means a person engaged in the business of processing piece goods owned by him or by a subsidiary or affiliate: *Provided*, That to the extent that such person processes piece goods owned by another, he shall be deemed a job processor.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1400.32 *Effective date.* This Maximum Price Regulation No. 128, (§§ 1400.21 to 1400.32, inclusive) shall become effective May 4, 1942.

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3725; Filed, April 27, 1942;  
12:05 p. m.]

PART 1400—TEXTILE FABRICS: COTTON,  
WOOL, SILK, SYNTHETICS AND ADMIX-  
TURES

MAXIMUM PRICE REGULATION NO. 127—  
FINISHED PIECE GOODS

In the judgment of the Price Administrator, the prices of finished piece goods have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of finished piece goods prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 127 is hereby issued.

AUTHORITY: §§ 1400.71 to 1400.84, inclusive, issued under Pub. Law 421, 77th Cong.

<sup>1</sup> 7 F.R. 971.

§ 1400.71 *Maximum prices for finished piece goods.* On and after May 4, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver finished piece goods, and no person shall buy or receive finished piece goods in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1400.82; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of finished piece goods to a purchaser if prior to May 4, 1942 such finished piece goods had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, or if within the terms of the Worth Street Rules title to such finished piece goods had passed to the purchaser prior to May 4, 1942.

§ 1400.72 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1400.82) may be charged, demanded, paid or offered.

§ 1400.73 *Conditional agreements.* No seller of finished piece goods shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1400.82, in the event that this Maximum Price Regulation No. 127 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception under § 1400.82 (i) (3)) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception under § 1400.82 (i) (3)).

§ 1400.74 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 127 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to finished piece goods, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1400.75 *Records.* (a) On and after May 4, 1942, every person making a purchase, sale or delivery of finished piece goods in the course of trade or business, or otherwise dealing in finished piece goods shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of each such purchase, sale, or delivery, showing the date thereof, the terms of sale, the name

and address of the buyer or seller, the price paid or received, and the quantity of each type, quality and finish of finished piece goods purchased or sold, and including (in the case of the seller) a record of all items necessary to verify the computation of the maximum price for the finished piece goods.

(b) Persons required to submit reports under § 1400.76 shall, in addition to the records required above, keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of all items necessary to verify such reports.

§ 1400.76 *Reports.* (a) Persons subject to this Maximum Price Regulation No. 127 shall submit such reports as the Office of Price Administration may from time to time require.

§ 1400.77 *Details required in contract of sale and invoice.* (a) Every seller of finished piece goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) a full description of each type, quality and finish of finished piece goods sold or a style number or symbol sufficient to identify in the seller's records maintained pursuant to § 1400.75, the full details of the construction so delivered; (2) a statement of the division factor (as specified in § 1400.82 (g)) used in determining the maximum price; and (3) if the sale is made by a wholesaler or jobber, the percentage premium charged by him.

§ 1400.78 *Exempt sales.* The provisions of this Maximum Price Regulation No. 127 shall not apply to the following:

- (a) Sales at retail.
- (b) Sales of finished piece goods by decorative goods jobbers.
- (c) Sales or purchases of:
  - (1) Any fabric covered by Revised Price Schedule No. 35<sup>2</sup>—Carded Grey and Colored Yarn Cotton Goods.
  - (2) Any fabric covered by Revised Price Schedule No. 39<sup>3</sup>—Upholstery Furniture Fabrics.
  - (3) Woven tickings heavier than 4.95 yards per lb. and not in weaves requiring Jacquard looms.
  - (4) Any fabric covered by Revised Price Schedule No. 89<sup>4</sup>—Bed Linens.
  - (5) Abrasive cloth.
  - (6) Adhesive holland.
  - (7) Artificial leather or other pyroxylin coated fabrics.
  - (8) Awning cloths.
  - (9) Belting.
  - (10) Blue-print cloth.
  - (11) Bookbinding holland.
  - (12) Bunting for blankets.
  - (13) Cheese cloth.
  - (14) Corduroy.
  - (15) Cotton pile fabrics.
  - (16) Embroidery.
  - (17) Filter cloths.
  - (18) Flag cloths (yarn dyed).
  - (19) Insulation cloth.

<sup>2</sup> 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060.

<sup>3</sup> 7 F.R. 1279, 1836, 2000, 2132.

<sup>4</sup> 7 F.R. 1375, 1836, 2107, 2000, 2132, 2300, 2299, 2739.



- (20) Knit goods.
- (21) Nottingham lace.
- (22) Oil cloth.
- (23) Outing flannels.
- (24) Separator cloth.
- (25) Surgical gauze.
- (26) Tag (label) cloth.
- (27) Towels and toweling.
- (28) Transparent cloth (envelope and tracing cloth).
- (29) Waterproof ducks (tarpaulins, truck covers).
- (30) Window shade holland.
- (31) Finished piece goods imported from a foreign country.

(32) Any finished piece goods (other than those which are produced from grey goods subject to Revised Price Schedule No. 23<sup>7</sup>—as amended, Rayon Grey Goods) sold "in the original piece" which are actually finished by an integrated or vertical organization and which are of a character customarily finished and marketed in larger volume by integrated or vertical organizations than by independent converters and finishers.<sup>8</sup>

§ 1400.79 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 127 are subject to the civil and criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 127 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1400.80 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 127 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1400.81 *Definitions.* (a) When used in this Maximum Price Regulation No. 127, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Finished piece goods" means woven fabrics, more than 12 inches in width, bleached, dyed, printed, mercer-

ized or otherwise finished or processed, composed—in the amount of seventy-five percent or more by weight—of either cotton fibre or chemically produced yarn or fibre made from cellulose or with a cellulose base, or of any mixtures thereof.

(3) "Class I purchaser" includes a cutter, manufacturer, export merchant, foreign purchaser or agent of a foreign purchaser, jobber, wholesaler, chain store, mail order house, hospital, prison, hotel chain, any agency of the federal government, any agency of a state, county or municipal government, and any similar class of purchaser not specifically enumerated herein.

(4) "Class II purchaser" includes a retailer (other than a chain store or mail order house), a canvasser, tailor supply store, tailor trimming store, interior decorator, and any similar class of purchaser not specifically enumerated herein.

(5) "Converter" means a person who sells finished piece goods after having finished such goods or after causing them to be finished for his account.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no cutter, manufacturer, purchaser for resale, or other commercial user shall be deemed to be an ultimate consumer.

(7) "Export merchant" means a jobber of finished piece goods engaged in exporting finished piece goods (either exclusively or in addition to selling such goods in the domestic market) who (i) buys goods for his own account, (ii) takes title to the goods, (iii) sells them direct, or through customary trade channels, to foreign purchasers or agents of foreign purchasers, and (iv) assumes all risks of loss until title to the goods passes to the foreign buyer according to the terms of the sale.

(8) "Decorative goods jobber" means a person customarily engaged in the business of and whose principal business consists of selling upholstery fabrics, drapery fabrics, slip cover fabrics and other finished piece goods, in cut lengths of specified yardage, to interior decorators.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1400.82 *Appendix A: Maximum prices for finished piece goods—(a) Method of determining maximum prices.* Except as provided in paragraphs (i), (j) and (l) of this section, the maximum net selling price, f. o. b. seller's point of shipment, for finished piece goods shall be the aggregate sum of the five items set forth below (subparagraphs (1) to (5) of this paragraph, inclusive) divided by the appropriate division factor set forth in paragraph (g) of this section:

(1) Basic grey goods cost, determined in accordance with paragraph (b).

(2) The grey freight, determined in accordance with paragraph (c).

(3) Working allowance, determined in accordance with paragraph (d).

(4) Finishing cost, determined in accordance with paragraph (e).

(5) Put up charges, determined in accordance with paragraph (f).

(b) *Basic grey goods cost.* (1) Except as specifically provided in subparagraphs (2), (3), (4) of this paragraph, and in paragraph (d) of this section, the basic grey goods cost to be used in determining the maximum price for finished piece goods shall be no higher than the actual invoice cost of the grey goods whether for full lengths, firsts, seconds, or short lengths, exclusive of factoring, interest, insurance, storage, or other charges, and exclusive of any charges for partial finishing processes performed prior to the acquisition of the goods by the person selling the finished goods. In no case (except as provided in subparagraph (4) of this paragraph) shall the basic grey goods cost exceed the maximum price for the grey goods on the day such goods were or are acquired.

(2) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the basic grey goods cost to be used in computing the maximum price under paragraph (a) of this section shall be determined as follows:

(i) For grey or partially finished goods acquired from an outside source other than a subsidiary or affiliate, the basic grey goods cost shall be computed in accordance with subparagraph (1) of this paragraph.

(ii) For grey goods produced by such person or by a subsidiary or affiliate, for which maximum prices are established by Revised Price Schedule No. 11,<sup>9</sup> Revised Price Schedule No. 35,<sup>9</sup> or Revised Price Schedule No. 23 as Amended,<sup>9</sup> the basic grey goods cost shall be no higher than the established maximum price therefor on the day the goods enter into the finishing process.

(iii) For any other grey goods produced by such person or by a subsidiary or affiliate,<sup>9</sup> the basic grey goods cost shall be no higher than the maximum price which would be applicable for a sale of such grey goods to a converter on the day the goods enter into the finishing process.

(3) For finished piece goods which are produced from grey goods produced in and imported from a foreign country, the basic grey goods cost shall be no higher than the actual landed, duty paid, cost of such grey goods.

(4) If the basic grey goods cost of finished piece goods in existing inventory on May 4, 1942, or of goods which on that date have been started through the finishing process cannot be determined because the lots cannot be identified with reference to particular purchases of grey goods, then the basic grey goods cost used in determining the maximum price for such finished piece goods in in-

<sup>7</sup> 7 F.R. 2899, 2966, 2945.

<sup>8</sup> These fabrics are subject to Maximum Price Regulation No. 118—Cotton Products (7 F.R. 3038). Any person desiring an opinion as to whether a product is subject to the maximum prices therein established or is subject to the maximum prices herein established should address a written inquiry to the Office of Price Administration, Washington, D. C.

<sup>9</sup> 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060.

<sup>10</sup> 7 F.R. 1231, 1836, 2000, 2132, 2737.

<sup>11</sup> 7 F.R. 2899, 2956, 2945.

<sup>12</sup> This includes, but is not limited to, grey goods which would, if sold, be subject to Maximum Price Regulation No. 118—Cotton Products. 7 F.R. 3038.



ventory or in process shall be no higher than the established maximum price for the grey goods on May 4, 1942.

(c) *Grey freight.* (1) Subject to the provisions of subparagraphs (2), (3) and (4) of this paragraph, the grey freight which may be included in computing the maximum price under paragraph (a) of this section shall be no higher than actual transportation charges paid by the seller of the finished piece goods (not absorbed by the finisher), for transporting the basic grey goods to the finishing plant where the finishing process is begun.

(2) In the event the grey goods are transported in a conveyance owned or operated by the converter, or the finisher, or by a person controlling, controlled by, or under common control with the converter or the finisher, and the charges are not absorbed by the finisher, the freight charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

(3) Where goods are shipped from the grey goods mill to a point other than the finishing plant where the finishing process is begun, only the actual freight (which is not absorbed by the finisher) incurred in the final shipment from such other point to the finishing plant where the finishing process is begun may be used in determining the maximum price under paragraph (a) of this section.

(4) Where goods are trans-shipped from one finishing plant to another (after the goods are partially or wholly finished), the freight charges on such trans-shipments shall not be included in computing the maximum price under paragraph (a) of this section.

(d) *Working allowance.*—(1) *For finished piece goods containing 50% or more of rayon by weight.* Except as provided in subparagraphs (3) and (4) of this paragraph, the working allowance which may be used in determining the maximum price under paragraph (a) of this section shall be the actual figure specified by the finisher in his contract: *Provided*, That if the working allowance specified in the contract shall exceed the actual shrinkage of the fabric as determined by the increase of finished pick count over grey goods pick count plus not more than 2% tolerance for physical loss of goods occasioned by handling and processing the fabric, then such actual shrinkage plus such 2% tolerance shall constitute the maximum working allowance to be used in determining the maximum price for the finished piece goods.

In the event that there is a net yardage gain as a result of the finishing process, such gain must be deducted from the basic grey goods cost under paragraph (b) of this section.

(2) *For finished piece goods containing less than 50% of rayon by weight.* Except as provided in subparagraphs (3) and (4) of this paragraph, the working allowance which may be used in determining the maximum price under paragraph (a) of this section shall be the

actual working allowance specified by the finisher in his contract.

In the event that there is a net yardage gain as a result of the finishing process, such gain must be deducted from the basic grey goods cost under paragraph (b) of this section.

(3) *For vertical organizations.* For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the working allowance used in determining the maximum price under paragraph (a) of this section shall not exceed the allowance which would be applicable had the finishing operation been performed by an independent finisher.

(4) *For any new construction or for any new finishing process.* The working allowance for any new construction or for any new finishing process may be determined in a preliminary manner from the actual yield of a carefully controlled lot of not less than 1,000 yards of the finished goods: *Provided*, That the working allowance to be used in determining the maximum price for the finished piece goods shall not exceed the shrinkage determined by the actual yield of the first 10,000 yards of finished fabric.

(e) *Finishing cost.* Subject to the following provisions, the finishing cost shall be the price specified in the finishing contract and actually paid by the seller of the finished goods and shall not include any finishing costs incurred by any person prior to the acquisition of the goods by such seller.

(1) If the price specified in the finishing contract is made on a "silk basis" or a "store door delivered basis", (i. e., including put up and delivery charges) then such price shall, for the purpose of determining the appropriate division factor, be reduced by  $\frac{1}{4}\%$  per yard: *Provided*, That the total finishing cost may be included in the final computation of the maximum price for the finished piece goods.

(2) If the price specified in the finishing contract is made on a "cotton basis" (that is, f. o. b. finishing plant) such price, exclusive of charges for cases, papers and tubes, shall, for the purposes of determining the appropriate division factor, constitute the finishing cost.

(3) Where the application of a process resulting in a water-repellent or water-proof fabric or where the application of any special, exclusive or patented finishing process increases the finishing cost by more than  $2\frac{1}{2}\%$  per linear yard, then the finishing cost which may be used in determining the appropriate division factor under paragraph (g) of this section shall be the finishing cost which would have resulted had the cost of such extra finishing process been exactly  $2\frac{1}{2}\%$ : *Provided*, That the full cost of the special finish may be included in the final computation of the maximum price for the finished piece goods: *Provided further*, That in all such cases, the converter shall obtain from the finisher and retain as a part of his records, an invoice showing the portion of the finish-

ing cost which is attributable to the special finishing process.

(4) Where fabrics are printed both face and back, whether register-printed or not, the finishing cost which may be used in determining the appropriate division factor under paragraph (g) of this section shall be 75% of the price specified in the finishing contract and actually paid by the converter: *Provided*, That the full cost of such printing may be included in the final computation of the maximum price for the finished piece goods.

(5) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the finishing cost used in determining the appropriate division factor under paragraph (g) of this section shall not exceed the amount which such persons are entitled to charge under Maximum Price Regulation No. 128<sup>10</sup> Processing Piece Goods: *Provided*, That if such persons have finishing operations performed by independent finishers, the finishing cost shall be determined in accordance with the foregoing provisions of this section.

(f) *Put-up charges.* (1) The put-up charges which may be used under paragraph (a) (5) of this section shall include only the charges for papers, boards, tubes and packing cases, and, in the case of sales for export, the permissible charges for export packing under paragraph (j) of this section. In no event (except for export sales) shall charges for wooden shells be included in such computation.

(2) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the put-up charges used under paragraph (a) (5) of this section in determining the maximum price for finished piece goods shall not exceed the charges which would be applicable had such services been performed and such material furnished by an independent finisher.

(g) *Tables of division factors.*—(1) *In general.* (i) Table I set forth below is to be used with respect to finished piece goods containing 75% or more of cotton by weight unless 4% or more of coverage of the warp in the finished goods is yarn dyed or stock dyed. In the latter case, reference must be made to Tables III and IV below. The division factor is determined by reference to the finishing cost (see paragraph (e) of this section), the class of purchaser to whom the sale is made, and the type of finish that is applied.

(ii) Table II set forth below is to be used with respect to finished piece goods containing less than 75% cotton by weight unless 4% or more of coverage of the warp in the finished goods is yarn dyed or stock dyed. In the latter case reference must be made to Tables III and IV below. The division factor is determined by reference to the finishing cost (see paragraph (e) of this section), the

<sup>10</sup> §§ 1400.21 to 1400.32, incl.



class of purchaser to whom the sale is made, and the type of finish that is applied.

(iii) Table III set forth below is to be used with respect to finished piece goods of which 4% or more of coverage of the warp in the finished goods is yarn dyed or stock dyed and of which none of the filling is yarn dyed or stock dyed, regardless of the rayon or cotton content, and regardless of the finish that is applied thereto. The division factor is determined by reference to the percentage of coverage of the warp that is yarn dyed or stock dyed and the class of purchaser to whom the sale is made.

(iv) Table IV set forth below is to be used with respect to finished piece goods of which 4% or more of coverage of the warp in the finished goods is yarn dyed or stock dyed, and of which some part of the filling is yarn dyed or stock dyed, regardless of the rayon or cotton content, and regardless of the finish that is applied thereto. The division factor is determined by reference to the percentage of coverage of colored yarn in both the warp and filling and the class of purchaser to whom the sale is made.

(2) *Cotton finished piece goods.* Except for yarn dyed fabrics covered by subparagraph (4), Tables III and IV, this Table I is to be used for all finished piece goods containing 75% or more cotton by weight.

TABLE I—DIVISION FACTORS FOR FINISHED PIECE GOODS CONTAINING 75% OR MORE OF COTTON BY WEIGHT

Finishing cost <sup>1</sup> (cents per yard)	White and dyed		Printed	
	Sales to class I purchaser	Sales to class II purchaser	Sales to class I purchaser	Sales to class II purchaser
Up to 1.99	0.89	0.85	0.88	0.84
2.00-4.49	.88	.84	.87	.83
4.50-7.99	.87	.83	.855	.815
8.00-11.99	.86	.82	.835	.79
12.00-16.99	.84	.80	.815	.76
17.00-24.99	.84	.80	.79	.73
25.00 and up	.84	.80	.77	.70

<sup>1</sup> Determined in accordance with paragraph (e) of this section.

(3) *Rayon finished piece goods.* Except for yarn dyed fabrics covered by subparagraph (4), Tables III and IV, this Table II is to be used for all finished piece goods containing less than 75% cotton by weight.

TABLE II—DIVISION FACTORS FOR FINISHED PIECE GOODS CONTAINING LESS THAN 75% COTTON BY WEIGHT

Finishing cost <sup>1</sup> (cents per yard)	White and Dyed		Printed	
	Sales to class I purchaser	Sales to class II purchaser	Sales to class I purchaser	Sales to class II purchaser
Up to 3.99	0.85	0.81	0.83	0.79
4.00-7.99	.84	.80	.82	.78
8.00-11.99	.83	.79	.81	.77
12.00-16.99	.81	.77	.79	.74
17.00-24.99	.80	.75	.77	.72
25.00 and up	.80	.75	.75	.70

<sup>1</sup> Determined in accordance with paragraph (e) of this section.

#### (4) Yarn dyed fabrics.

TABLE III—DIVISION FACTORS FOR YARN DYED OR STOCK DYED FINISHED PIECE GOODS, COLORED WARP ONLY<sup>1</sup>

Percentage of coverage of colored yarn in warp only (all numbers inclusive)	Sales to class I purchaser	Sales to class II purchaser
4% to 15.99%	0.86	0.81
16% to 30.99%	.85	.80
31% to 45.99%	.84	.79
46% to 60.99%	.83	.78
61% to 75.99%	.82	.77
76% and over	.81	.76

<sup>1</sup> Table III shall be used for all finished piece goods (irrespective of the percentage of rayon or cotton content) of which 4% or more of coverage of the warp is yarn dyed or stock dyed and of which none of the filling is yarn dyed or stock dyed.

TABLE IV—DIVISION FACTORS FOR YARN DYED OR STOCK DYED FINISHED PIECE GOODS, COLORED WARP AND COLORED FILLING<sup>1</sup>

Total percentage of coverage of colored yarn in both warp and filling (all numbers inclusive)	Sales to class I purchaser	Sales to class II purchaser
4.00% to 15.99%	0.85	0.80
16% to 30.99%	.835	.785
31% to 45.99%	.82	.77
46% to 60.99%	.805	.755
61% to 75.99%	.79	.74
76% and over	.78	.73

<sup>1</sup> Table IV shall be used for all finished piece goods (irrespective of the percentage of cotton or rayon content) of which 4% or more of coverage of the warp is yarn dyed or stock dyed and of which any percentage of the filling is yarn dyed or stock dyed.

(h) *Credit terms.* (1) The maximum prices established by this Maximum Price Regulation No. 127 are net selling prices.

(2) If a seller desires to sell on a discount basis of 2% off ten days, sixty days extra, he may compute the maximum price on such a sale by dividing the net price by .97: *Provided*, That if any such sale is made, the seller must allow the buyer the following discounts:

(i) If payment is made within 10 days after delivery, a discount of 3%;

(ii) If payment is made within the next sixty days, a discount of 2% plus ½ of 1% per month for any portion of the sixty days which is anticipated.

(3) If a seller desires to sell on a discount basis of net sixty days, he may compute the maximum price on such a sale by dividing the net price by .99: *Provided*, That if any such sale is made, the seller must allow the buyer the following discounts:

(i) If payment is made within 10 days after delivery, a discount of 1%;

(ii) If payment is made more than 10 days after delivery but within 60 days after delivery, a discount of ½ of 1% per month for any portion of the sixty days which is anticipated.

(4) The maximum net selling prices may not be increased for the purpose of granting any other credit terms.

(i) *Wholesalers and jobbers.*—(1) *General provisions.* Subject to the provisions of subparagraphs (2) and (3) of this paragraph, the maximum price for finished piece goods sold in the perform-

ance of a recognized distributive function<sup>11</sup> by a wholesaler or jobber, other than one controlling, controlled by or under common control with a converter or finisher, shall be the invoice cost (which may not exceed the maximum price established by this Maximum Price Regulation No. 127) plus a premium not to exceed 17% thereof, and in the case of inventory held on May 4, 1942 by such wholesaler or jobber the maximum resale price shall be the actual cost<sup>12</sup> of the finished piece goods sold plus a premium not to exceed 17% of such cost.

(2) *Restrictions on jobbers' and wholesalers' premiums.* No part of the premium provided for in subparagraph (1) of this paragraph may be charged:

(i) On a sale by a wholesaler or jobber to another wholesaler or jobber;

(ii) On a sale by a wholesaler or jobber to a converter;

(iii) On a sale by a wholesaler or jobber to an export merchant.

(iv) On an export sale by an export merchant;

(v) On a sale to any person by a converter or a person controlling, controlled by or under common control with a converter, unless and until authorized under subparagraph (3) of this paragraph.<sup>13</sup>

(vi) On a resale of finished piece goods by a cutter or manufacturer.

(3) *Petitions for exception by a converter to charge a wholesalers' or jobbers' premium.* Any person who is a converter, as defined in § 1400.81, and any person controlling, controlled by or under common control with a converter, and who is or desires to be regularly engaged in performing, in addition to his converting business, the function of a jobber or wholesaler, may petition the Office of Price Administration for an exception from the provisions of § 1400.82 (i) (2) (v), and for permission to charge a premium on sales made by such person as a jobber or wholesaler. The Price Administrator may grant such exception upon such terms and conditions as shall appear reasonable and necessary under all the circumstances: *Provided*, That no such petition will be considered unless it is filed in accordance with the provisions of Procedural Regulation No. 1,<sup>14</sup> issued by the Office of Price Administration.

(j) *Export sales.* The maximum price at which a person may sell or deliver finished piece goods for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

<sup>11</sup> No sale is made "in the performance of a recognized distributive function" within the meaning of this Maximum Price Regulation No. 127 unless it advances the goods sold to the next stage of distribution.

<sup>12</sup> The cost may include only the actual invoice price plus actual freight incurred by the wholesaler or jobber with respect to such finished piece goods.

<sup>13</sup> It is the intention of the Office of Price Administration that this subparagraph shall apply to converters who also act as jobbers or wholesalers and to wholesalers or jobbers who also do some converting.

<sup>14</sup> 7 F.R. 971.



(k) *Redyeing, reprinting and overprinting.* No charges for reprinting, redyeing or overprinting subsequent to the original finishing operation shall be or may be added to or included in the computation of the maximum prices established by this Regulation except for screen printing, flock printing, and lacquer printing.

(l) *Substandard goods.* The maximum prices above set forth shall be discounted for substandard goods as follows:

(1) Finishers' seconds and shorts (i. e. finished piece goods which are substandard as a result of finishing process):

Regular sized pieces discounted by 10%.

20 to 40 yard lengths discounted by 15%.

10 to 19.99 yard lengths discounted by 20%.

1 to 9.99 yard lengths discounted by 30%.

§ 1400.83 *Temporary maximum price regulation No. 10—finished piece goods made of cotton, rayon and mixtures thereof.* On the effective date provided in § 1400.84, this Maximum Price Regulation No. 127 replaces and revokes Temporary Maximum Price Regulation No. 10—Finished Piece Goods Made of Cotton, Rayon and Mixtures thereof, issued by the Price Administrator. Until such date Temporary Maximum Price Regulation No. 10 remains in full force and effect as set forth in § 1400.12 thereof.<sup>17</sup>

§ 1400.84 *Effective date.* This Maximum Price Regulation No. 127 (§§ 1400.71 to 1400.84, inclusive) shall become effective May 4, 1942.

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3724; Filed, April 27, 1942;  
12:04 p. m.]

#### PART 1308—NICKEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 8<sup>1</sup>—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP AND OTHER SCRAP MATERIALS CONTAINING NICKEL; SECONDARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1308.3a is hereby amended to read as follows, and a new paragraph (c) is added to § 1308.9, and a new § 1308.12 is added, as set forth below:

§ 1308.3a *Imports.* (a) Sections 1308.1 and 1308.2 apply to the import of any of the scrap or secondary materials described in Appendices A and B (§§ 1308.10, 1308.11).

<sup>17</sup> 7 F.R. 1224, 1836, 2132, 2474, 2818.

<sup>18</sup> 7 F.R. 2004.

(b) Material imported on and after April 28, 1942, on which an import duty is paid to the United States, may be resold at prices which do not exceed the prices set forth in Appendices A and B (§§ 1308.10, 1308.11) plus the import duty actually paid: *Provided*, That the seller files with the Office of Price Administration, Washington, D. C., a report of each such transaction within ten days after the completion thereof, setting forth the kind or grade of material involved, the quantity of each such kind or grade, the amount of duty paid, the name and address of the buyer, the resale price and the date of the resale.

(c) Material imported prior to April 28, 1942, may be resold at prices which do not exceed the delivered cost of the material to the importer plus the premiums allowed a converter on sales of the particular kind or grade of scrap material involved, as set forth in Appendix A (§ 1308.10): *Provided*, That:

(1) the importer purchased the material at prices not exceeding the maximum prices set forth in Appendices A and B (§§ 1308.10, 1308.11), f. o. b. foreign point of shipment, and

(2) The seller files with the Office of Price Administration, Washington, D. C., a report of each such transaction within ten days after the completion thereof, setting forth the kind or grade of material involved, the quantity of each such kind or grade, the importer's purchase price, an itemized statement of the import charges, the name and address of the buyer, the resale price and the date of the resale.

(d) Material shall be deemed to have been imported prior to April 28, 1942, if prior to such date, such material had been loaded on board a vessel at a foreign port, or in the case of overland shipments from Canada or Mexico, had been placed aboard a carrier, for shipment directly to the continental United States.

§ 1308.9 *Definitions.* When used in Revised Price Schedule No. 8, the term:

(c) Point of shipment shall be deemed to mean, in the case of imports by water, the place within the limits of the continental United States where the material is loaded on a conveyance for transportation directly to the buyer, and in the case of imports overland from Mexico or Canada, it shall be deemed to be the freight station in the United States at or nearest to the point on the boundary between the United States and Mexico or Canada as the case may be, at which the shipment first enters the United States.

§ 1308.12 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1308.3a, 1308.9 (c) and 1308.12) to Revised Price Schedule No. 8 shall become effective on April 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3740; Filed, April 28, 1942;  
9:17 a. m.]

#### PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 54<sup>1</sup>—DOUGLAS FIR PEELER LOGS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Sections 1312.201, 1312.204, 1312.205, 1312.206, 1312.207 (f) and (g), and 1312.209, are amended to read as follows. A new § 1312.208a is added as set forth below.

§ 1312.201 *Maximum prices for douglas fir peeler logs.* On and after April 30, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver douglas fir peeler logs, and no person shall buy or receive Douglas fir peeler logs in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.209.

§ 1312.204 *Records and reports.* (a) On and after April 30, 1942 every person who, during any calendar month offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys, or receives a total of 100,000 ft. log scale of Douglas fir peeler logs shall keep for inspection by the Office of Price Administration for a period of not less than two years, a complete and accurate record of every such offer, agreement, purchase, sale or delivery, showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each kind or grade purchased or sold.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1312.205 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 54 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violations of this Revised Price Schedule No. 54 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1312.206 *Petitions for amendment.* Persons seeking any modification of this Revised Price Schedule No. 54 or any adjustment or exception not provided therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

<sup>17</sup> 7 F.R. 1311, 1836, 2132.



## § 1312.207 Definitions.

(f) "Price" means the delivered price, including freight and commissions to wholesalers, commission salesmen, or others.

(g) "Peeler grade," "No. 1 selected for peeling," "No. 2 selected for peeling," and "core" shall mean such grades as understood in the particular district on August 1, 1941.

§ 1312.209 Appendix A: Maximum delivered prices for Douglas fir peeler logs. (a) The maximum delivered prices per 1000 ft. log scale for Douglas fir peeler logs shall be as follows:

(1) Puget Sound district. (i) Delivered in the waters of Puget Sound or Lake Whatcom:

No. 1 log selected for peeling, minimum diameter 30"	\$40.00
No. 2 log selected for peeling, minimum diameter 30"	35.00
Core log, minimum diameter 26"	27.00

(ii) Delivered at any other point in the Puget Sound district: from the above prices, subtract the transportation costs which would have been applicable to the shipment had it moved from logger's loading-out point to Puget Sound or Lake Whatcom, then add actual transportation costs from logger's loading-out point to the actual destination specified by the purchaser: *Provided*, That regardless of the result of such computation, the prices shall in no event exceed the prices in subparagraph (1) (i) of this section.

(2) Grays Harbor district. (i) Delivered in the waters of Grays Harbor:

Peeler grade, minimum diameter 36"	\$41.00
No. 1 log selected for peeling, minimum diameter 30"	33.00
No. 2 log selected for peeling, minimum diameter 26"	25.00

(ii) Delivered at any other point in the Grays Harbor district: from the above prices, subtract the transportation costs which would have been applicable to the shipment had it moved from logger's loading-out point to Grays Harbor, then add actual transportation costs from logger's loading-out point to the actual destination specified by the purchaser: *Provided*, That regardless of the result of such computation, the prices shall in no event exceed the prices in subparagraph (2) (i) of this section.

(3) Columbia River district. (i) Delivered in the waters of the Columbia River:

No. 1 log selected for peeling, minimum diameter 30"	\$37.50
No. 2 log selected for peeling, minimum diameter 30"	31.50
Core log	24.00

(ii) Delivered at any other point in the Columbia River district: from the above prices, subtract the transportation costs which would have been applicable to the shipment had it moved from logger's loading-out point to Columbia River, then add actual transportation costs from logger's loading-out point to the actual destination specified by the purchaser: *Provided*, That regardless of the result of such computation, the prices

shall in no event exceed the prices in subparagraph (3) (i) of this section.

(4) Willamette Valley district. (i) Delivered at any point in the Willamette Valley district: from the prices delivered in the Columbia River (subparagraph (3) (i)) subtract the transportation costs which would have been applicable to the shipment had it moved from the logger's loading-out point to the Columbia River market, then add actual transportation costs from logger's loading-out point to the actual destination specified by the purchaser: *Provided*, That regardless of the result of such computation, the prices for the Willamette Valley shall in no event exceed the prices set forth in subparagraph (3) (i) for delivery in the Columbia River.

(b) When logs are sold out of one district for delivery in another, the maximum prices and the grades shall be those of the district in which the buyer takes possession of the logs.

§ 1312.208a Effective dates of amendments. (a) Amendment No. 1 (§§ 1312.201, 1312.204, 1312.205, 1312.206, 1312.207 (f) and (g), 1312.209, and 1312.208a) to Revised Price Schedule No. 54 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3745; Filed, April 28, 1942;  
9:22 a. m.]

# PART 1312—LUMBER AND LUMBER PRODUCTS

## AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 97—SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraphs (e) and (f) of § 1312.307 and paragraphs (a), (f), and (g) of § 1312.309 are amended to read as follows. A new § 1312.308a (c) is added as set forth below:

### § 1312.307 Definitions.

(e) "Mill" means any establishment (1) which processes into the items of lumber covered by this Revised Price Schedule No. 97, by sawing, planing, or ships to milling-in-transit operations for such processing by sawing, planing or kiln drying, at least 25% of the volume of Southern hardwood lumber or logs purchased or received by it, or

(2) which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in paragraph (f) (2) of this section: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Southern hardwood lum-

ber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(f) "Distribution yard" means an establishment (1) which processes into the items of lumber covered by this Revised Price Schedule No. 97, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25% of the volume of Southern hardwood lumber purchased or received by it, and

(2) which resembles the following described establishment more nearly than that described under the definition of "mill" in paragraph (e) (2) of this section: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a varied stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

§ 1312.309 Appendix A: Maximum prices for Southern hardwood lumber. (a) The maximum f. o. b. mill prices for 1,000 feet of Southern hardwood lumber, rough, air dried, either in grade-rule range widths and lengths, or in widths and lengths substantially the same as grade-rule range widths and lengths, or in specified average widths or specified average lengths which are substantially run-of-the-log, shall be as follows:

(f) Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

(g) Where Southern hardwood lumber is sold on "special inspection" grades (for example: Log Run; Mill Run; No. 1 Common and Better) for which no maximum price has been established in this Revised Price Schedule No. 97, the maximum price shall be the maximum price established in this Revised Price Schedule No. 97 for the lowest grade of lumber contained in the stock that is sold on such special inspection grades; the seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Revised Price Schedule No. 97 for the respective standard grades.

§ 1312.308a Effective date of amendments.

(c) Amendment No. 3 (§ 1312.307 (e) and (f), § 1312.309 (a), (f), and (g), and

<sup>17</sup> F. R. 1388, 1675, 1836, 2132, 2509.



§ 1312.308a) to Revised Price Schedule No. 97 shall become effective May 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3744; Filed, April 28, 1942;  
9:20 a. m.]

#### PART 1335—CHEMICALS

##### AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 68<sup>1</sup>—HIDE GLUE STOCK

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Paragraph (c) of § 1335.508 is amended, and a new paragraph (e) is added to § 1335.510, as set forth below:

##### § 1335.508 Definitions.

(c) "Seller's shipping point" means the point of production or other point of distribution maintained by a producer or seller from which actual shipment is made.

##### § 1335.510 Appendix A: Maximum prices for hide glue stock.

(e) In the case of a shipment of hide glue stock from a seller's shipping point other than a producer's plant, the maximum prices are the prices listed above, plus the actual transportation charges from the producer's plant at which the hide glue stock was produced to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

##### § 1335.509a Effective dates of amendments.

(c) Amendment No. 3 (§§ 1335.508 (c) and 1335.510 (e)) to Revised Price Schedule No. 68 shall be effective on April 30, 1942. Until such date Revised Price Schedule No. 68 continues in effect as if not amended by Amendment No. 3.

(Pub. Law. 421, 77th Cong.)

Issued this 27th day of April, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3738; Filed, April 28, 1942;  
9:16 a. m.]

#### PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

##### AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 83<sup>2</sup>—RADIO RECEIVERS AND PHONOGRAPHS

A statement of considerations involved in the issuance of this Amendment has

been prepared and issued simultaneously herewith.<sup>3</sup>

Section 1336.51 (e) is hereby amended to read as follows:

##### § 1336.51 Maximum prices for radio receiving sets and phonographs.

(e) Other models. The maximum price for any model other than a model referred to in paragraphs (a), (b), (c), and (d) of this section shall be the price provided for such model in § 1336.53, except that:

(1) Majestic Radio and Television Corporation may sell 13,100 radio receivers in accordance with contracts referred to in petition dated March 4, 1942 and filed with the Office of Price Administration, pursuant to Procedural Regulation No. 1.

##### § 1336.62a Effective dates of amendments.

(b) Amendment No. 2 (§ 1336.54 (e)) to Revised Price Schedule No. 83 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3742; Filed, April 28, 1942;  
9:19 a. m.]

#### PART 1340—FUEL

##### AMENDMENT NO. 3 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 11<sup>1</sup>—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Sections 1340.180 (a) (4) and 1340.181 (c) and (d) are amended to read as set forth below:

##### § 1340.180 Definitions. (a) \* \* \*

(4) "Curtailed area" means the States of Oregon, Washington, Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia, and the corporate limits of the City of Bristol, Tennessee.

##### § 1340.181 Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.

(c) The maximum price for each grade of motor fuel at each service station in the States of Connecticut, Delaware,

<sup>1</sup> 7 F.R. 2169, 2352, 2682.

<sup>2</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia, and within the corporate limits of the City of Bristol, Tennessee shall not be in excess of 0.5 of a cent per gallon above the price posted at such service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(d) Where the maximum price for any grade of motor fuel at a service station in the States of Connecticut, Delaware, Georgia, Florida east of the Apalachicola River, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia, and within the corporate limits of the City of Bristol, Tennessee cannot be determined under paragraph (c) of this section, the maximum price shall not be in excess of .5 of a cent per gallon above the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station: *Provided*, That such delivery was made after January 13, 1942.

##### § 1340.183 Effective dates of amendments.

(c) Amendment No. 3 (§§ 1340.180 (a) (4) and 1340.181 (c) and (d)) to Temporary Maximum Price Regulation No. 11 shall become effective April 30, 1942. Until such date Temporary Maximum Price Regulation No. 11 continues in effect as if not amended by Amendment No. 3.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3743; Filed, April 28, 1942;  
9:20 a. m.]

#### PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

##### AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 102<sup>1</sup>—HOUSEHOLD MECHANICAL REFRIGERATORS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.

Subparagraph (4) of § 1380.51 (d) is amended to read as set forth below:

##### § 1380.51 Maximum prices for household mechanical refrigerators.

(d) Sales by manufacturers to persons assigned preference ratings by the War Production Board. \* \* \*

(4) The amount paid or to be paid by seller (i) on account of transportation of the refrigerator from manufac-

<sup>1</sup> 7 F.R. 1401, 2794.

<sup>3</sup> 7 F.R. 1338, 1836, 2000, 2132, 2241, 2948.

<sup>2</sup> 7 F.R. 1362.



turer's point of shipment to destination, (ii) on account of uncrating, installation, and inspection of the refrigerator, (iii) on account of the one-year service contract, if that service is requested by the purchaser, but the amount to be added on account of the one-year service contract shall in no event exceed \$4.50.

§ 1380.60 *Effective dates of amendments.*

(b) Amendment No. 2 (§ 1380.51 (d) (4)), to Revised Price Schedule No. 102 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3741; Filed, April 28, 1942;  
9:18 a. m.]

#### PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM  
PRICE REGULATION NO. 12—DOMESTIC  
WASHING MACHINES AND IRONING MA-  
CHINES—DISTRIBUTORS AND RETAILERS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (c) is added to § 1380.151 and a new § 1380.162 is added as set forth below:

§ 1380.151 *Maximum prices for domestic washing machines and ironing machines.*

(c) The maximum prices for the sale by distributors and dealers of Barlow & Seeling Manufacturing Company's altered Speed Queen Washer Models Nos. 410, 510, and 615 shall be the maximum prices for said models as established by paragraph (b) of this section less the amount set opposite said Model No. below:

410 as altered by the substitution of wringer No. 823.....	\$0.48
510 as altered by the substitution of wringer No. 7005.....	.23
615 as altered by the substitution of wringer No. 7003.....	1.02

§ 1380.162 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1380.151 (c), 1380.162) to Temporary Maximum Price Regulation No. 12 shall become effective April 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3739; Filed, April 28, 1942;  
9:16 a. m.]

<sup>1</sup> 7 F.R. 2315.

#### TITLE 33—NAVIGATION AND NAVI- GABLE WATERS

##### Chapter I—Coast Guard, Department of the Navy

##### PART 9—GENERAL LICENSES FOR MOVE- MENTS OF VESSELS WITHIN, OR DEPART- URE FROM, TERRITORIAL WATERS

AN ORDER WAIVING COMPLIANCE WITH THE PROVISIONS OF NAVIGATION LAWS TO THE EXTENT NECESSARY TO PERMIT MASTERS OF GREAT LAKES VESSELS TO APPROVE ALLOTMENTS OF SEAMEN

Pursuant to the authority vested in me by Section 501 of the Second War Powers Act, 1942 (Pub. Law 507, 77th Cong.), I hereby waive compliance with the provisions of section 10 of the Act of June 26, 1884, and Section 4503 of the Revised Statutes (Title 46 U.S.C., Sections 599 and 543), to the extent necessary to permit masters of vessels of the United States operating on the Great Lakes, to approve allotments of the seamen employed aboard their vessels and to perform all other requisite duties in connection with such allotments upon the condition that wherever practicable the services of a shipping commissioner or a collector of customs acting as shipping commissioner, will be utilized for this service.

I find that the above Order, waiving the provisions of certain of the navigation and inspection laws of the United States, is necessary in the conduct of the war.

FRANK KNOX,

Secretary of the Navy.

APRIL 27, 1942.

[F. R. Doc. 42-3774; Filed, April 28, 1942;  
11:25 a. m.]

#### TITLE 46—SHIPPING

##### Chapter I—Bureau of Customs

[T.D. 50617]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

##### PART 2—ENTRY OF VESSELS<sup>1</sup>

##### RECORDS OF ENTRANCE AND CLEARANCE TO BE KEPT IN DUPLICATE

Section 2.10, is hereby amended to read as follows:

§ 2.10 *Record of entrance and clearance of vessels.* Permanent records shall be kept in duplicate at every customhouse of the entrance and clearance of vessels in the foreign trade (Customs Forms 1400 and 1401), and of the clearance of vessels in trade with non-contiguous United States territory (Customs Form 1401), and shall be open to public inspection: *Provided, however,* That during any period covered by a proclamation of the President that a state of war ex-

<sup>1</sup> For regulations . . . 15 CFR Part 30; formerly Part 305; 7 F.R. 197, 2264.

ists between foreign nations no records with regard to the entrance and clearance of vessels in the foreign trade shall be open to public inspection: *Provided, further,* That during any such period the contents of such records may be disclosed to others than parties in interest upon written consent of the Commissioner of Customs. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2)

This amendment shall become effective May 1, 1942.

CROSS REFERENCE: For regulations of the Bureau of the Census relating to statistics from records of entrance and clearance of vessels in the foreign trade, and of clearance of vessels in trade with non-contiguous United States territory, see 15 CFR Part 30.

[SEAL]

W. R. JOHNSON,

Commissioner of Customs.

Approved: April 24, 1942.

HERBERT E. GASTON,

Acting Secretary of the Treasury.

[F. R. Doc. 42-3736; Filed, April 27, 1942;  
4:02 p. m.]

[T.D. 50620]

##### REPORT OF ARRIVAL, ENTRY, AND CLEARANCE OF VESSELS TRADING WITH THE PANAMA CANAL ZONE, EXEMPTION FROM PAYMENT OF TONNAGE TAX

##### PART 2—ENTRY OF VESSELS

Part 2 is hereby amended by the addition at the end thereof of a new § 2.12 reading as follows:

§ 2.12 *Panama Canal Zone.* For the purposes of the laws relating to reports of arrival and entry of vessels, the Panama Canal Zone is foreign territory. Vessels arriving from the Panama Canal Zone shall be required to report their arrival and make entry unless exempted by law. This requirement does not apply to vessels which merely transit the Canal Zone without transacting any business there. (R.S. 161, Sections 433, 434, 435, and 441, 46 Stat. 711, 712, as amended; 5 U.S.C. 22, 19 U.S.C. 1433, 1434, 1435, and 1441)

##### PART 3—TONNAGE DUTY AND LIGHT MONEY

Section 3.1 is hereby amended by relettering paragraph (f) as (g) and by the insertion of a new paragraph lettered (f) immediately after paragraph (e) reading as follows:

(f) For the purposes of this part, the Panama Canal Zone is not foreign territory. No tonnage tax shall be imposed on a vessel which enters a port of the United States from the Canal Zone direct. (Sections 2 and 3, 23 Stat. 118, as amended (46 U.S.C. 2, 3))

##### PART 5—FOREIGN CLEARANCES

Section 5.1 (a) is hereby amended by the addition at the end thereof of a new subparagraph numbered (1) reading as follows:

(1) For the purposes of the laws relating to clearance of vessels, the Panama



Canal Zone is foreign territory. Vessels bound for the Panama Canal Zone shall be cleared unless exempted by law: *Provided*, That vessels which merely transit the Canal Zone without the transaction of any business are not required to be cleared: *Provided further*, That where cargo is to be transhipped in another customs district including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States for transportation to the Panama Canal Zone, the shipper's export declarations (Commerce Form 7525) shall be filed only with the collector of customs at the port where the merchandise is last laden for its final destination. (R.S. 161, 4197 as amended; 5 U.S.C. 22, 46 U.S.C. 91)

## PART 6—COASTWISE PROCEDURE

Section 6.5 is hereby rescinded and §§ 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, and 6.16 are renumbered 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, and 6.15, respectively. (R.S. 161; 5 U.S.C. 22)

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

Approved April 24, 1942.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-3777; Filed, April 28, 1942;  
11:35 a. m.]

[T.D. 50621]

COASTWISE LAWS WAIVED TO EXTENT NECESSARY TO PERMIT TRANSPORTATION OF CIVILIANS ENGAGED IN CONSTRUCTION OF ACCESS ROADS IN ALASKA AND EQUIPMENT, MATERIALS AND SUPPLIES OF CONTRACTORS ENGAGED IN CONSTRUCTION OF THOSE ROADS, FROM POINTS IN CONTINENTAL UNITED STATES TO POINTS IN ALASKA

APRIL 27, 1942.

Upon the recommendation of the Acting Administrator of the Federal Works Agency and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of section 8 of the Act of June 19, 1886, as amended (46 U.S.C. 289), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit the transportation on Canadian vessels from points in Alaska of the following:

(a) Civilians engaged in the construction of access roads in Alaska, as defined in the Defense Highway Act of 1941 (23 U.S.C. Ch. 3), and their equipment.

(b) Equipment, materials, and supplies which are the property of contractors engaged in the construction of access roads in Alaska, as defined in the Defense Highway Act of 1941.

I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-3778; Filed, April 28, 1942;  
11:35 a. m.]

No. 83—3

## Chapter IV—War Shipping Administration

[General Order No. 7]

## PART 300—GENERAL PROVISIONS

## MARITIME COMMISSION VESSELS, RECORDS TRANSFERRED

Whereas, Executive Order No. 9054, issued February 7, 1942, establishing the War Shipping Administration, provides among other things that "such part of existing personnel of the United States Maritime Commission together with such records and public property as the Administrator may deem necessary to the full exercise of his functions and duties prescribed by this Order are hereby assigned to the War Shipping Administration,"

Now, therefore, it is hereby determined that:

§ 300.1 *Records and property transferred to Administrator.* The Administrator of the War Shipping Administration deems presently necessary to the full exercise of his functions and duties prescribed by Executive Order No. 9054 of February 7, 1942, the following records and public property:

(a) Vessels now owned by the Maritime Commission and records pertaining thereto.

(b) Vessels hereafter acquired by the Maritime Commission, except (1) any vessel constructed pursuant to Title V or Title VII of the Merchant Marine Act, 1936, as amended, which the United States Maritime Commission has contracted to sell to an applicant upon its completion, and (2) any vessel constructed with funds made available to carry out the purposes of Pub. Law 11, 77th Cong., for disposition to the Government of any country whose defense the President deems vital to the defense of the United States.

By order of the War Shipping Administration.

[SEAL] W. C. PEET, Jr.,  
Secretary.

APRIL 27, 1942.

[F. R. Doc. 42-3737; Filed, April 27, 1942;  
4:38 p. m.]

## Notices

## WAR DEPARTMENT.

[Civilian Exclusion Order No. 10]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA, LOS ANGELES, COUNTY, CALIF.

APRIL 22, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>st</sup> and 2<sup>nd</sup>, this Headquarters, dated March 2, 1942, and

17 F.R. 837.

27 F.R. 2320.

27 F.R. 2405.

March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, April 29, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the intersection of U. S. Highway No. 101 (Ventura Boulevard) and Sepulveda Boulevard; thence easterly along said Highway No. 101, through Cahuenga Pass, to Franklin Avenue; thence easterly on Franklin Avenue to Western Avenue; thence northerly on Western Avenue to Los Feliz Boulevard; thence easterly on Los Feliz Boulevard to Vermont Avenue; thence southerly on Vermont Avenue to Wilshire Boulevard; thence westerly on Wilshire Boulevard to Western Avenue; thence southerly on Western Avenue to Pico Boulevard; thence westerly on Pico Boulevard to Arlington Avenue; thence southerly on Arlington Avenue to Washington Boulevard; thence westerly on Washington Boulevard to Sepulveda Boulevard; thence northerly on Sepulveda Boulevard to the point of beginning.

2. A responsible member of each family and each individual living alone in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Thursday, April 23, 1942, or during the same hours on Friday, April 24, 1942, to the Civil Control Station located at: 1157 North La Brea Avenue, Hollywood, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, April 29, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3756; Filed, April 28, 1942;  
10:40 a. m.]

[Civilian Exclusion Order No. 11]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA, LOS ANGELES, CALIF.

APRIL 22, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>st</sup> and 2<sup>nd</sup>, this



Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, April 29, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the City of Los Angeles, State of California, bounded on the north by Wilshire Boulevard, bounded on the east by Vermont Avenue, bounded on the south by Pico Boulevard, and bounded on the west by Western Avenue.

2. A responsible member of each family and each individual living alone in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Thursday, April 23, 1942, or during the same hours on Friday, April 24, 1942, to the Civil Control Station located at: 961 South Mariposa Avenue, Los Angeles, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, April 29, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3757; Filed, April 28, 1942;  
10:40 a. m.]

[Civilian Exclusion Order No. 12]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA, VENTURA COUNTY, CALIF.

APRIL 23, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>st</sup> and 2<sup>nd</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows: All of the County of Ventura, State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report be-

tween the hours of 8:00 A. M. and 5:00 P. M. Friday, April 24, 1942, or during the same hours on Saturday, April 25, 1942, to the Civil Control Station located at: 322 South California Street, Ventura, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3758; Filed, April 28, 1942;  
10:41 a. m.]

[Civilian Exclusion Order No. 13]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA, SAN LUIS OBISPO AND SANTA BARBARA COUNTIES, CALIF.

APRIL 23, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>st</sup> and 2<sup>nd</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of those portions of the Counties of Santa Barbara and San Luis Obispo, State of California, lying south of a line running easterly from the Pacific Ocean, commencing at a point south of Guadalupe and Santa Maria, and west of Narlon, passing through Narlon, Antonio, Casmalia, Orcutt, and Gates to California State Highway No. 166, and following said Highway No. 166 to the San Luis Obispo-Kern County Line.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M. Friday, April 24, 1942, or during the same hours on Saturday, April 25, 1942, to the Civil Control Station located at: American Legion Building, 112 West Cabrillo Boulevard, Santa Barbara, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of pub-

lished instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3759; Filed, April 28, 1942;  
10:41 a. m.]

[Civilian Exclusion Order No. 14]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIF.

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA, SAN LUIS OBISPO AND SANTA BARBARA COUNTIES, CALIF.

APRIL 23, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>st</sup> and 2<sup>nd</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of those portions of the Counties of San Luis Obispo and Santa Barbara, State of California, lying north of a line running easterly from the Pacific Ocean, commencing at a point south of Guadalupe and Santa Maria, and west of Narlon, passing through Narlon, Antonio, Casmalia, Orcutt, and Gates to California State Highway No. 166, and following said Highway No. 166 to the San Luis Obispo-Kern County Line.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, April 24, 1942, or during the same hours on Saturday, April 25, 1942, to the Civil Control Station located at: Arroyo Grande High School Gymnasium, Arroyo Grande, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien

\* 7 F.R. 2320.

\* 7 F.R. 2405.



Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3760; Filed, April 28, 1942;  
10:41 a. m.]

[Civilian Exclusion Order No. 15]

HEADQUARTERS WESTERN DEFENSE COM-  
MAND AND FOURTH ARMY, PRESIDIO OF  
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED  
FROM RESTRICTED AREA, MONTEREY  
COUNTY, CALIF.

APRIL 23, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows: All of the County of Monterey, State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, April 24, 1942, or during the same hours on Saturday, April 25, 1942, to the Civil Control Station located at: National Guard Armory, Salinas and Howard Streets, Salinas, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3761; Filed, April 28, 1942;  
10:42 a. m.]

<sup>1</sup> 7 FR. 2320.

<sup>2</sup> 7 FR. 2405.

[Civilian Exclusion Order No. 16]

HEADQUARTERS WESTERN DEFENSE COM-  
MAND AND FOURTH ARMY, PRESIDIO OF  
SAN FRANCISCO, CALIF.

PERSONS OF JAPANESE ANCESTRY EXCLUDED  
FROM RESTRICTED AREA, SANTA CRUZ  
COUNTY, CALIF.

APRIL 23, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows: All of the County of Santa Cruz, State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, April 24, 1942, or during the same hours on Saturday, April 25, 1942, to the Civil Control Station located at: Veterans' Memorial Building, Third Street, Watsonville, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining thereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, April 30, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3762; Filed, April 28, 1942;  
10:42 a. m.]

[Civilian Exclusion Order No. 17]

HEADQUARTERS WESTERN DEFENSE COM-  
MAND AND FOURTH ARMY, PRESIDIO OF  
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED  
FROM RESTRICTED AREA, SEATTLE, WASH.

APRIL 24, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Friday, May 1, 1942, all per-

sons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the City of Seattle, State of Washington, within that boundary beginning at the point at which the northerly limits of said city meet Shilshole Bay; thence easterly and following the northerly limits of said city to Roosevelt Way; thence southerly and following Roosevelt Way, Eastlake Avenue, Fairview Avenue, Virginia Street, and Westlake Avenue to Fifth Avenue; thence southeasterly on Fifth Avenue to Yesler Way; thence easterly on Yesler Way to Maynard Avenue; thence southerly on Maynard Avenue to Jackson Street; thence westerly on Jackson Street to Elliott Bay; thence northwesterly and northerly, and following the westerly limits of the City of Seattle, to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, April 25, 1942, or during the same hours on Sunday, April 26, 1942, to the Civil Control Station located at: 2100 Second Avenue, Seattle, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Friday, May 1, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3763; Filed, April 28, 1942;  
10:42 a. m.]

[Civilian Exclusion Order No. 18]

HEADQUARTERS WESTERN DEFENSE COM-  
MAND AND FOURTH ARMY, PRESIDIO OF  
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED  
FROM RESTRICTED AREA, SEATTLE, WASH.

APRIL 24, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby



ordered that from and after 12 o'clock noon, P. W. T., of Friday, May 1, 1942, all persons of Japanese ancestry both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the City of Seattle, State of Washington, lying generally south of an east-west line beginning at the point at which Jackson Street meets Elliott Bay; thence easterly along Jackson Street to Fifth Avenue; thence southerly on Fifth Avenue to Dearborn Street; thence easterly on Dearborn Street to Twenty-third Avenue; thence northerly on Twenty-third Avenue to Yesler Way; thence easterly on Yesler Way to Lake Washington.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, April 25, 1942, or during the same hours on Sunday, April 26, 1942, to the Civil Control Station located at: 1319 Rainier Avenue, Seattle, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Friday, May 1, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DeWitt,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. Ulloa  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3764; Filed, April 28, 1942;  
10:43 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. A-1360]

#### PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT 14, FOR ESTABLISHMENT OF SPECIAL OR TEMPORARY MINIMUM PRICES BASED ON COSTS DETERMINED IN FIRST PHASE OF DOCKET 21

#### MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a petition filed on March 18, 1942, with the Bituminous Coal Division by District Board No. 14. The petition requests the establishment of special or temporary minimum prices for coals produced in District No. 14 to the end that the return per net ton on such coal shall approximate the weighted average of the total

cost per net ton of the tonnage of Price Area 4 as determined in the first phase of General Docket No. 21. The petition represents that (1) the Division's preliminary compilation of mine realization on shipments of bituminous coal for the period from October 1, 1940, to September 30, 1941, shows that the established minimum prices failed to return to District No. 14 producers the realization anticipated in General Docket No. 15 and that (2) the present established minimum prices are below the 1940 costs of production as determined in General Docket No. 21.

Affidavits in support of the petition were filed by the following representatives of District No. 14 code-member producers: F. K. Wood, Secretary-Treasurer of the New Eureka Coal Company; R. K. Rodgers, President of the Great Western Coal Company; E. H. Noel, President of the E. H. Noel Coal Company; George Reeves, President of the Excelsior Smokeless Coal Company, Inc.; and Isaac Lewis, President of the Quality Excelsior Coal Company. George O. Patterson, President of the Ruby Glow Mining Company, sent a telegram registering opposition to the relief requested.

An informal conference was held on March 31, 1942, at a hearing room of the Division in Washington, D. C. Due notice was given to all interested persons. District Boards Nos. 1, 2, 4, 6, 7, 8, 9, 11, 13, 14, and 16 appeared.

#### STATEMENT OF FACTS AND OPINION

District No. 14 embodies all the coal producing counties in Arkansas and Haskell, LeFlore and Sequoyah Counties in Oklahoma. The District also constitutes Price Area 4. The annual production of bituminous coal in District No. 14 for the year 1941 amounted to about two million tons. Substantially all coal produced in District No. 14 is sold for domestic purposes; only a small tonnage is sold for industrial use.

#### The Background of This Proceeding

The facts giving rise to the instant proceeding appear from the statements of A. G. Jasper, Executive Secretary of District Board No. 14. He stated that on or about January 1, 1941, when the Arkansas Workmen's Compensation Law became effective, the producers in District No. 14 began to experience increased costs. These costs, it was claimed, continued to rise with the increase of costs of mine supplies and with the increase in labor costs. On April 1, 1941, the District No. 14 mines closed due to a strike. Upon the reopening of the mines on July 16, 1941, the producers, under the leadership of the Arkansas Oklahoma Sales Agency, a marketing agency which represents 65% of the tonnage produced in District No. 14, voluntarily raised their selling prices in an effort to compensate for the increased costs. Arkansas Oklahoma Sales Agency, upon the basis of an estimate as to the increase in cost, established a schedule of prices for lump coal which was 50¢ above the minimum prices. No increase was made in the price of screenings. Not only were these prices adopted by nonmembers of the agency but, owing to the stimulus in de-

mand resulting in part from the idle time and in part from the increased industrial activity and because of the campaign conducted urging the early purchase of domestic coal, producers found it possible to sell their coal at prices ranging from 50¢ to 60¢ above the minimum on pre-paid sizes and from 15¢ to 30¢ above the minimum on screenings. These prices continued through November. In December 1941 producers experienced a sharp drop in demand. From then until March 1942 most of the mines were operating only about half time. During the period from December through March, mines with lower production costs reduced their prices to the level of the minima. Consequently, sales could no longer be made at the higher level because of the competition of the five mines—two of them members of the Arkansas Oklahoma Sales Agency—Producing approximately 2,400 tons of coal daily and selling at the minimum prices. The District Board submits that this competition has prevented an increase in prices sufficient to compensate for the increased costs which have been incurred since the effective minimum prices were initially established in General Docket No. 15. It is said that continued sales at the level of the existing minimum prices would fail to return to producers in the price area their weighted average cost of production and that indeed many of the producers would be threatened with bankruptcy.

In General Docket No. 21, a proceeding instituted for the purpose, among others, of determining changes in costs, it was found that the weighted average cost of production in District No. 14 had increased 22.8¢ per ton over the cost determined in General Docket No. 15.<sup>1</sup> Though no realization figures were introduced for current months, it is said that current realization in District No. 14 does not equal the weighted average costs thus determined. Consequently, the District Board urges that the existing minimum prices be revised upward in order that District No. 14 producers may realize their weighted average cost of production.

#### The Relief Requested<sup>2</sup>

The relief requested is the increase in the present effective minimum prices in the following amounts:<sup>3</sup>

40¢ per ton on lump, egg, nut, mine run and dead coal;  
15¢ per ton on all slack sizes 1¼" and smaller;  
30¢ per ton on 2½" nut run;  
No increase on smithing coal;

<sup>1</sup> The normal idle time in the District generally does not commence until April and lasts through June.

<sup>2</sup> In General Docket No. 15 the weighted average cost of production in District No. 14 was determined to be \$3.6080; in General Docket No. 21 the weighted average cost was determined to be \$3.8360.

<sup>3</sup> It is proposed that the requested increases apply to both rail and truck shipped coal.

<sup>4</sup> It was said that these increases would result in an average increase of slightly more than 33 cents per ton.



No increase on railroad locomotive fuel larger than  $2\frac{1}{2}$ " in size.

Competition with either competitive fuels or with coal from other districts explains the variations in the increases requested for the various sizes. There were no increases requested on railroad locomotive fuel because of competition with fuel oil and railroad locomotive fuel coming from Districts Nos. 10 and 15. Competition with District No. 15 is also the reason for the failure to ask an increase on smithing coal. The comparative availability of natural gas and oil makes an increase higher than the 15 cents per ton requested on industrial coal and the 30 cents per ton requested on  $2\frac{1}{2}$ " nut run inadvisable.

#### Positions of the Parties

The District Board's petition requesting immediate relief was supported by code members representing 66% of the total rail coal produced within the District. Supporting affidavits<sup>6</sup> filed by several of these code members affirm the claim that competition from the low-cost mines endanger the continued operation of many of the mines in the District.<sup>7</sup> The lone objection by a District No. 14 producer was that made by the Ruby Glow Mining Company. This producer claims that an increase in prices will make even more difficult the sale of coal; it claimed that its sales had already fallen off markedly, particularly in the St. Louis market, and that it was forced to crush from 20 to 25 per cent of its sized coal into slack in order to dispose of it.

Consumers' Counsel, both at the hearing and in a memorandum submitted after the informal conference, opposed the relief requested on several grounds: The present curtailment of operations in District No. 14, upon which the request for relief is largely predicated, is no greater than at corresponding periods in other years; the most recent realization figures introduced at the hearing show such realization to exceed the costs determined in General Docket No. 21;<sup>8</sup> current losses due to curtailed production and consequent high costs in a season of normally slack demand are not a sound basis for granting relief; even if realization is substantially below costs, a discrepancy between the two has existed before, namely, during the first six months of minimum prices when realization sub-

stantially exceeded weighted average costs;<sup>9</sup> issues of this nature are best determined in a country-wide procedure and not in piece-meal fashion; the proposed prices show a discrimination as between sizes not based upon any evidence as to relative market values in conformance with the statutory standards; and the request is premature because new realization figures are not yet in evidence in General Docket No. 21 and certain basic questions, including the problem of coordination, have not as yet been determined.

#### The Merits of the Petition

The Congress enacted the Bituminous Coal Act in an effort to stabilize the bituminous coal industry and to preserve the vast coal resources of the nation. In furtherance of these objectives it promulgated a system of regulation which centered around (1) the establishment of prices for bituminous coal and (2) the promulgation of a code of fair trade practices. With respect to prices, the Act provides that minimum prices shall be established so as to return to producers within defined minimum price areas, as nearly as may be, "the weighted average of the total costs, per net ton \* \* \* of the tonnage of such minimum price area." The objective of the Act will then be satisfied where minimum prices are established so as to reflect the weighted average costs.

District 14 constitutes a price area in itself. Much of the coal produced therein is disposed of in markets where there is little or no competition from coals produced in other areas. Accordingly, the revision of prices in this price area will not greatly affect producers in other price areas as would be the case where competition between districts or price areas is substantial. Therefore, where a need for the revision of minimum prices is necessary to satisfy the standards of the Act, serious consideration must be given to the granting of relief as soon as practicable. The suggestion that revision of prices should await the final outcome of the second phase of General Docket No. 21<sup>10</sup> is tantamount to saying that satisfaction of the statutory standards should be delayed even if no reason therefor, other than purely procedural, is shown. I believe that in an appropriate case a 4 II (d) petition lies to revise minimum prices in order to reflect costs where costs have been determined. This would, of course, be so whether the change necessary was an upward or downward revision.

As appears above, in General Docket No. 21 it was determined that the weighted average per-ton cost of producing and selling coal in District 14 was \$3.8360, an increase of 22.80 cents

per ton over the General Docket No. 15 costs. The Division's preliminary summary of mine realization based upon shipments of bituminous coal during the twelve months period ended September 30, 1940, showed for District 14 a realization of \$3.48 per ton which is 12.80 cents below General Docket 15 costs. An estimated average realization at present minimum prices calculated on the basis of 1940 distribution would be approximately the same, that is \$3.49, an amount still below the average cost of production.

These figures disclose that the current minimum prices are not serving to return to the District 14 producers their weighted average costs on a year round basis. The need for an upward revision of minimum prices in this district is thus clear.<sup>11</sup>

Though I have concluded that temporary relief should here be granted, I am not able to conclude that the schedule of proposed increases should be adopted. The proposal asks that domestic coals be increased 40¢ per ton whereas industrial coals would be increased only 15¢ per ton and railroad fuel not at all. It appears that the increase necessary to have minimum prices reflect current costs is only 35¢ per ton—the difference between realization, \$3.48, and cost, \$3.83. Whether, because certain sizes are not proposed to be increased by 35¢, it is necessary to increase the price on some sizes more than this amount in order to obtain the full realization, is a matter which can await final determination of this proceeding. Before that determination is made many factors will have to be considered.<sup>12</sup> However, since it appears that the increase necessary in order to have minimum prices reflect current costs is 35¢ per ton, there can be no objection to raising temporarily the prices of domestic sizes by that amount even though consumers of other sizes are not at least for the time being made to pay similar increases.

I therefore conclude that the temporary prices to be established should be only 35¢ a ton higher in the domestic sizes than the existing prices instead of 40¢ as requested by petitioner but that in all other respects the proposal of the District Board should be adopted.

It is recognized that setting prices in this manner prior to a thorough exploration of all the changes in the bituminous coal industry since prices were originally coordinated may produce results at variance with those which are finally deemed desirable. Therefore, it

<sup>6</sup> The Division has received numerous telegrams from other District No. 14 producers urging that the requested relief be granted.

<sup>7</sup> Mr. W. E. Blucher, Secretary of District Board No. 15, sent a telegram which was read into the record to the effect that District No. 15, based upon a written stipulation that the coals of the two Districts are not competitive, makes no objection to the relief prayed for being granted. Mr. Vogl appearing on behalf of District Board No. 16 recorded the Board's support of the requested relief and stated that District No. 16 producers were not in competition with District No. 14.

<sup>8</sup> Realization figures for August and September 1941 show an average actual realization of \$3.87 and \$3.96 per ton, respectively. In General Docket No. 21 the District No. 14 weighted average costs were found to be \$3.8360 per ton.

<sup>9</sup> During the six months' period October 1, 1940, to March 31, 1941, minimum price realization exceeded General Docket No. 15 costs by 24 cents per ton.

<sup>10</sup> The second phase of General Docket 21 will be concerned with the changes to be effected in minimum prices by virtue of the changes in cost heretofore determined. The hearing is scheduled to convene on May 5.

<sup>11</sup> It is true that in certain months, actual realization has exceeded costs. However, that occurred in months when demand was high and does not take into account the fact that in many months of the year the District 14 mines are shut down. The record shows that when the somewhat abnormal demand abated, the normal competitive forces in the industry forced prices down to the minimum price level. To the extent that that level is no longer consistent with the costs, the established prices are permitting competition at prices below the cost of production, a practice which the Act sought to remedy.

<sup>12</sup> E. g., whether we should further increase the gap between domestic and industrial prices.



must be understood that these prices are only temporary in character and subject to change, modification, or revision on the basis of the final determination in General Docket No. 21, or further consideration of this matter.

On the basis of the foregoing facts, it appears that a reasonable showing of necessity has been made for the granting of temporary relief. Therefore, in order to effectuate the purposes of the Act, the effective minimum prices in District No. 14 should be temporarily revised to reflect the increased cost of production.

## ORDER

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof and pending final disposition of this matter, the Schedules of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments be, and they hereby are, amended in accordance with Schedules "R" and "T" attached hereto and made a part hereof.<sup>1</sup>

Nothing contained herein shall be deemed to constitute a ruling or expression of views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated April 27, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 52-3765; Filed, April 28, 1942;  
10:57 a. m.]

[Docket No. B-222]

IN THE MATTER OF FRED NOETH, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6880

## ORDER AMENDING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING

The above-entitled matter having been scheduled for hearing on April 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri, before Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose, pursuant to Notice of and Order for Hearing dated March 13, 1942, and subsequently, by Order dated April 1, 1942, said hearing having been postponed to a time and place and before an Examiner to be thereafter designated by a proper Order of the Division; and

The Acting Director deeming it advisable that said Notice of and Order for Hearing dated March 13, 1942, should be amended and the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated March 13, 1942, in the above-entitled matter be and the same is hereby amended in the following respects:

By striking the date "January 31, 1941" appearing in the second line of paragraph A 1 and inserting the date "February 28, 1942" in lieu thereof;

By inserting, after the word "the" and

<sup>1</sup> Not filed with the original document.

before the word "Carbon" in the second line of subparagraph (a) of paragraph A 1, the word "Glen";

By striking the figure "4651.25" appearing in the first line of subparagraph (b) of paragraph A 1 and inserting the figure "5862.65" in lieu thereof;

By inserting, after the word "screenings" in the first line and before the word "coal" in the second line of subparagraph (c) of paragraph A 1, a comma followed by the words and figures "60.6 net tons of 2' x 1 1/2' nut and 15.9 net tons of 3' x 2' washed egg";

By inserting after "resale," at the end of the third line and before "resulting" in the fourth line of paragraph A 3 the following: "and was actually resold by said Distributor in less than cargo or railroad carload lots,"; and

By striking the phrase "Paragraph (c)" appearing in the last line of paragraph A 4 and inserting the words "Paragraphs (c) and (e)" in lieu thereof.

It is further ordered, That the hearing in the above-entitled matter be held on May 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri, before the officer or officers heretofore designated for that purpose; and

It is further ordered, That the Notice of and Order for Hearing dated March 13, 1942, in the above-entitled matter shall, in all other respects, remain in full force and effect.

Dated April 27, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3766; Filed, April 28, 1942;  
10:57 a. m.]

[Docket No. B-240]

IN THE MATTER OF HUDSON FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4581

## NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), and the Bituminous Coal Code (the "Code") promulgated thereunder to determine (a) whether or not the Hudson Fuel Company, Registered Distributor, Registration No. 4581, (hereinafter sometimes referred to as the "Registered Distributor") whose address is 5052 Glazier Avenue, Cleveland, Ohio, has violated any provisions of the Act, the Code, and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated October 30, 1940 and filed by the Hudson Fuel Company pursuant to Order of the Division dated June 19, 1940 in General Docket No. 12, and more particularly whether or not subsequent to November 12, 1940 said Registered Distributor:

1. During the period November 13, 1940 to September 27, 1941, both dates inclusive, purchased for resale, from various code member producers, at the effective

minimum prices established therefor, f. o. b. the mine, for truck shipment, substantial quantities of various sizes of bituminous coal, and accepted and retained discounts thereon, as follows:

Period	Producer	Total tons	Total discounts accepted and retained
Nov. 13, 1940, to Apr. 17, 1941.	New Salem Coal Co.	772.65	\$193.16
Feb. 20, 1941, to Apr. 25, 1941.	Malvern Coal Co.	451.00	76.67
Feb. 4, 1941, to Mar. 24, 1941.	Andy Maruca....	169.33	42.33
Dec. 4, 1940, to July 31, 1941.	Callahan Mining Co.	2754.325	541.61
Nov. 13, 1940, to Dec. 17, 1940.	Padurean Coal Co.	290.805	74.94
Apr. 11, 1941, to Aug. 20, 1941.	J. B. Williamson.	171.125	31.32
Nov. 13, 1940, to Apr. 14, 1941.	Boyles Coal & Supply Co.	1478.60	221.78
Dec. 11, 1940.....	Pleasant Valley Mining Co.	8.40	1.85
Nov. 13, 1940 to Mar. 24, 1941.	Benchley & Vermillion.	249.805	24.98
Nov. 14, 1940 to Feb. 27, 1941.	Black Diamond Coal Co.	128.076	36.95
Nov. 13, 1940 to Aug. 29, 1941.	Sell Brown Coal Co.	650.79	143.57
Jan. 8, 1941 to Sept. 27, 1941.	Gray Bros. Coal Co.	4,944.485	892.73
Total.....		12,078.39	2,281.89

Said coal being physically handled, and actually resold in less than carload lots, in that it was transported from the mine facilities of each of the identified producers, in trucks owned by, or under the control of said registered distributor, to various ultimate consumers, and in transit to said consumers such coal was weighed, and a portion thereof removed or other coal added thereto, at the retail yard of said registered distributor located at 5052 Glazier Avenue, Cleveland, Ohio, resulting in violation of paragraph (d) of the Agreement.

2. The transactions set forth in paragraph (a) 1 above involved the acceptance of a distributor's discount on coal purchased by such distributor for retailing by it, resulting in violations of section 304.19 (a) of the Rules and Regulations for Registration of Distributors, and paragraph (d) of the Agreement.

(b) Whether or not the registration of said Hudson Fuel Company should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Hudson Fuel Company has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on May 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Rm. 518, Bulkley Bldg., 1501 Euclid Ave., Cleveland, O.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to



conduct said hearing, to administer oaths and affirmations, examine witnesses, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice is hereby given that answer setting forth the position of the aforementioned Hudson Fuel Company with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the Field Offices of the Division, within twenty (20) days after date of service hereof on Hudson Fuel Company and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Hudson Fuel Company of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and ordered entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated April 27, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3767; Filed, April 28, 1942;  
10:57 a. m.]

[Docket No. B-242]

IN THE MATTER OF FRED ROWELL AND AUDEBEE ROWELL, ALSO KNOWN AS AUDIBEE ROWELL, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF ROWELL & ROWELL, CODE MEMBER

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated April 7, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on April 8, 1942, by the Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Fred Rowell and Audebee Rowell, also known as Audibee Rowell, individually and as co-partners, doing business under the name and style of Rowell & Rowell, Code member, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 1, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside as such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That said Fred Rowell and Audebee Rowell, also known as Audibee Rowell, individually and as co-partners, doing business under the name and style of Rowell & Rowell, Code member, whose addresses are Rt. 2, Delmar, Alabama, whose code membership became effective as of December 12, 1939, and who operate the Fred Rowell Mine, located in Marion

County, Alabama, in District No. 13, a new operation to which no index number had been assigned:

(a) Sold subsequent to October 14, 1940, coal produced at the aforesaid mine, for which minimum prices, temporary or final, had not been established by the Division, including the sales for shipment by truck, during the month of July 1941, to Sheffield Coal Co., Sheffield, Alabama, of approximately 26 tons of 1½" x 0 coal and 13 tons of lump coal at prices of \$1.25 and \$3.25 per net ton, respectively, resulting in violations of the Order of the Director dated October 9, 1940 in General Docket No. 19; and

(b) Failed to report to the Division immediately as required by Order No. 288 dated December 8, 1939, the fact that said Code member was producing coal from a new operation for which minimum prices, temporary or final, had not been established by the Division, resulting in a violation of the Act, the Code, and the rules, regulations and orders promulgated thereunder.

Dated: April 27, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3768; Filed, April 28, 1942;  
10:58 a. m.]

[Docket No. B-163]

IN THE MATTER OF C. W. HELFRICH, DOING BUSINESS UNDER THE NAME AND STYLE OF STATE COAL CO., REGISTERED DISTRIBUTOR, REGISTRATION No. 8651

#### NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

A. Whether or not C. W. Helfrich, doing business under the name and style of State Coal Co., registered distributor, Registration No. 8651 (hereinafter sometimes called the "registered distributor"), whose address is 130 North Main Street, East St. Louis, Illinois, has violated any provisions of the Act, the Code, and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and the Distributor's agreement (the "Agreement"), dated May 6, 1940 and filed by C. W. Helfrich, pursuant to an Order of the National Bituminous Coal Commission, dated March 24, 1939 in Docket 12 which was adopted as an Order of the Division on July 1, 1939, and more particularly whether or not subsequent to September 30, 1940, said registered distributor:

(1) during the period October 5, 1940, to October 31, 1941, both dates inclusive, accepted and retained distributor's discounts from the effective minimum prices in the amount of \$1,429.23 on 8,946.45 net tons of coal purchased by said registered distributor from and produced by various code members for resale by him to Helfrich Coal Company, 2100 State Street, East St. Louis, Illinois, a retail



dealer, although during the said period, said registered distributor, either:

(a) Was in fact or in effect an agency or instrumentality of said retailer in the purchase of said coal, resulting in violation of section 4 II (i) 12 of the Act, Rule 12 of Section XIII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement; and

(b) Rendered no service of value to said code members in said transactions and said transactions were entered into primarily for the purpose of unjustly enriching the registered distributor, and except for the incidence of section 4 II (h) of the Act, said Helfrich Coal Company would have purchased such coal direct from said code members, resulting in violation of paragraph (g) of the Agreement; and

(c) Did not purchase such coal for bona fide resale, resulting in violations of section 4 II (h) of the Act and paragraph (d) of the Agreement; or

(d) Purchased such coal, for retailing by him, resulting in violations of § 304.19 (a) of the Rules and Regulations for the Registration of Distributors;

(2) Prepaid the freight charges, from the originating mine to said Helfrich Coal Company, with the intent to or having the effect of granting a discriminatory credit allowance to said retailer, on approximately 4,129.85 net tons of the coal involved in the transactions referred to in paragraph A (1) hereof, resulting in violations of section 4 II (i) 3 of the Act, Rule 3 of Section XIII, and Rule 1 (J) of Section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement;

(3) During the period November 1, 1941 to December 12, 1941, both dates inclusive, accepted and retained distributors discounts from the effective minimum prices in the amount of \$228.60 on 1,244.25 net tons of coal purchased by said registered distributor from and produced by the F. C. Morgan Coal Company at its Morgan Mine, Mine Index No. 100, located in St. Clair County, Illinois, in District No. 10:

(a) For retailing by him, resulting in violations of § 304.19 (a) of the Rules and Regulations for the registration of distributors; and

(b) Although such coal was physically handled by said registered distributor and although such coal was resold by him in less than cargo or railroad carload lots, resulting in violations of paragraph (d) of the Agreement;

(4) Failed to comply with § 304.11 of the Rules and Regulations for the Registration of Distributors by making false and misleading statements and by failing to state material facts, in his application for registration with the Division as a distributor of bituminous coal filed by said distributor with the Division on May 8, 1940, as follows:

(a) By representing that as of the date of said application said registered distributor did not operate a retail coal yard, whereas said registered distributor should

have stated that under the name and style of Helfrich Coal Company he was engaged in the operation of a retail yard located in East St. Louis, Illinois;

(b) By representing that during each of the years 1937 and 1938, said registered distributor did not physically handle any of his sales, resales or deliveries of bituminous coal, whereas said registered distributor should have stated that during said years under the name and style of Helfrich Coal Company, he had physically handled certain sales, resales or deliveries of bituminous coal;

(c) By representing that said registered distributor was engaged throughout the year in the business of purchasing bituminous coal for resale and reselling it in cargo or railroad carload lots without physically handling such coal, whereas he did in fact physically handle coal purchased and resold by him throughout the year;

(d) By representing that said registered distributor was not engaged in transporting coal by truck and that he neither owned, controlled nor employed any equipment, whereas said registered distributor under the name and style of Helfrich Coal Company was engaged in transporting coal by truck, and under the name of the Helfrich Coal Company he did own, control or employ certain trucks in such transportation;

(e) By representing that said registered distributor had no affiliations or financial connections with any retailer of coal during the years 1937 and 1938, whereas in fact he was the sole proprietor of the Helfrich Coal Company and under said name during the years 1937 and 1938 he had engaged in the business of retailing coal.

B. Whether or not the registration of said C. W. Helfrich, doing business under the name and style of State Coal Co., should be revoked or suspended or other appropriate penalties should be imposed.

*It is therefore ordered,* That a hearing, pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned C. W. Helfrich, doing business under the name and style of State Coal Co., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on May 26, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, at the Coronado Hotel, St. Louis, Missouri.

*It is further ordered,* That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent no-

tice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said C. W. Helfrich, doing business under the name and style of State Coal Co., and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned C. W. Helfrich, doing business under the name and style of State Coal Co., with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on C. W. Helfrich, doing business under the name and style of State Coal Co., and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by C. W. Helfrich, doing business under the name and style of State Coal Co., of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 27, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3769; Filed, April 28, 1942;  
10:58 a. m.]

[Docket No. A-1400]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE E. S. & N. RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 1 MINE (MINE INDEX NO. 80) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT 11, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

#### ORDER DISMISSING PETITION

The relief requested by the original petitioner in this matter having been granted pursuant to an order dated April 15, 1942, in Docket No. A-743;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed without prejudice.

Dated: April 27, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3770; Filed, April 28, 1942;  
10:58 a. m.]



[Docket No. A-1385]

**PETITION OF DISTRICT BOARD NO. 12 FOR AN INCREASE OF THREE CENTS PER TON IN THE MINIMUM PRICES FOR ALL COALS PRODUCED IN DISTRICT NO. 12**

**ORDER GRANTING TEMPORARY RELIEF**

An original petition pursuant to the Bituminous Coal Act of 1937 was duly filed with this Division by the above-named party and requested a temporary and permanent Order increasing the minimum price applicable to the coals produced in District No. 12 by three cents per net ton. By Notice of and Order for Hearing dated April 13, 1942, the matter was scheduled for hearing on May 12, 1942.

The Schedule of Effective Minimum Prices for District No. 12 For All Shipments Except Truck designates delivered prices for shipment to each rail destination in District No. 12. These delivered prices are based upon determined f. o. b. mine prices plus designated base freight rates to the respective delivery points. It appears that on March 25, 1942, the Iowa State Commerce Commission increased the freight rate on bituminous coal for shipment between all points within the State of Iowa in the amount of three cents per net ton, effective upon ten days' notice from the carriers, and that the carriers published their tariff on March 27, 1942, Supplement "F" to Ex Parte 148, L. E. Kimm, Agent, I.C.C., A-3386, effective April 6, 1942, increasing the freight rate heretofore effective on all bituminous coal shipments between points within Iowa by three cents per net ton.

It appears, therefore, that the delivered prices heretofore determined to be proper and necessary for the coals of the mines in District No. 12 for delivery within that district no longer are proper for the reason that the base freight rates on which they are predicated have been increased as set forth above, and that new delivered prices should be established which will reflect these changes in base freight rates.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, each base freight rate set forth in the Schedule of Effective Minimum Prices for District No. 12 For All Shipments Except Truck is increased in the amount of three cents and the rail delivered prices set forth therein for delivery to destinations within District No. 12 are correspondingly increased in the amount of three cents per net ton.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Pending the hearing heretofore scheduled in the above-entitled matter temporary relief is not granted herein as to the minimum prices f. o. b. mine for truck shipment for the coals of the mines in District No. 12 for the reason that no showing has been made that the costs of truck transportation have not increased as have the rates for rail shipment and that coordination of truck and rail prices therefore will not still be maintained by only increasing the delivered prices of the rail coals in the amount of the aforesaid freight increase.

Dated: April 27, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3771; Filed, April 28, 1942;  
10:59 a. m.]

**DEPARTMENT OF AGRICULTURE.**

**Agricultural Marketing Administration.**

**DETERMINATION WITH RESPECT TO ISSUANCE OF AMENDMENT NO. 4 TO ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA**

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 *et seq.*), there was issued on September 28, 1939, effective December 1, 1939, Order No. 42 regulating the handling of milk in the New Orleans, Louisiana, marketing area. This order has since been amended, effective May 1, 1940, April 1, 1941, and February 1, 1942.

A marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area was tentatively approved on January 3, 1942.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Amite, Louisiana, on March 19, 1942, and in New Orleans, Louisiana, on March 20, 1942, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at which times and places all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on April 18, 1942, of a marketing agreement, as amended, regu-

lating the handling of milk in the New Orleans, Louisiana, marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of proposed amendment No. 4<sup>1</sup> to said Order No. 42, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of proposed amendment No. 4 to said Order No. 42, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of February, 1942, said month having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 23d day of April 1942. Witness my hand and the Seal of the United States Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT  
The President of the United States.

APRIL 24, 1942.

[F. R. Doc. 42-3731; Filed, April 27, 1942;  
2:33 p. m.]

**DEPARTMENT OF LABOR.**

**Wage and Hour Division.**

**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938**

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 27, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually

<sup>1</sup> See Title 7, this issue.



in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Appleton Paper Products, 346 W. Water Street, Appleton, Wisconsin; Paper Set-Up Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; October 27, 1942.

Artistic Manufacturing Company, 336 Sixth Street NE., Atlanta, Georgia; Necklaces, fancy dress pins, bracelets and earrings; 10 learners; 4 weeks for any one learner; 30 cents per hour; Hand Costume Jewelry Maker; July 6, 1942.

Avon Paper Box Company, 1120 E. Cumberland Street, Avon, Pennsylvania; Set-Up Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; October 12, 1942.

F. N. Burt Company, Inc., 514 Seneca Street, Buffalo, New York; Set-Up Paper Boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; October 12, 1942.

T. James Clarke Box and Label Works, Inc., 38 Charles Street, Jamestown, New York; Paper Drug Boxes; 8 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; October 27, 1942.

Davidson Paper Box Company, Concord, North Carolina; Set-up Paper Box Industry; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; October 12, 1942.

I. Friedman, 275 Chestnut Street, Passaic, New Jersey; Hand machine embroidery on handkerchiefs, linens and kindred products; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-helper; October 27, 1942.

Hawkeye Pearl Button Company, 2nd and Orange Streets, Muscatine, Iowa; Fresh Water Pearl Buttons; 8 learners; 8 weeks for any one learner; 25 cents per hour; Grinders, Automatic Button Machine Operators, Sorters; July 6, 1942.

Jacksonville Ginter Box Company, Inc., 16th and Walnut Streets, Jacksonville, Florida; Wood and Combination Cigar Boxes and Set-Up Cardboard Boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations on set up boxes only, except cutting, scoring and slitting; October 12, 1942.

Anna Johnson Embroiders, 6717 Adam Street, West New York, N. Y.; Embroidery Cutting; 2 learners; 6 weeks

for any one learner; 28 cents per hour; Embroidery Cutter; October 27, 1942.

Quincy Paper Box Company, 230 N. Third Street, Quincy, Illinois; Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; Basic hand and machine box making operations, except cutting, scoring or slitting; 30 cents per hour; October 27, 1942.

F. J. Schleicher Paper Box Company, 1811 Chouteau Avenue, St. Louis, Missouri; Set-up Paper Box Industry; 10 percent; Fancy hand work on custom built machinery producing fancy and odd shape boxes; 8 weeks (320 hours) for any one learner; Basic hand and machine (standard equipment) box making operations, except cutting, scoring and slitting; 6 weeks (240 hours) for any one learner; 30 cents per hour; October 12, 1942.

Sulloway Hosiery Mills, River Street, Franklin, New Hampshire; Set-up Paper Boxes; 10 percent; 6 weeks for any one learner; Basic hand and machine box making operations, except cutting, scoring, and slitting; 30 cents per hour; October 27, 1942.

Taylor Box Company, 73 Eagle Street, Providence, R. I.; Set-Up Paper Boxes; 3 learners; 6 weeks for any one learner; Basic hand and machine box making operations, except cutting, scoring and slitting; 30 cents per hour; October 12, 1942.

Signed at New York, N. Y., this 25th day of April 1942.

MERLE D. VINCENT,  
Authorized Representative,  
of the Administrator.

[F. R. Doc. 42-3749; Filed, April 28, 1942; 10:08 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591)

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective April 27, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

#### Apparel

Acme Robe and Sportswear Company, 743 Santee Street, Los Angeles, California; Chenille Robes; 5 learners (T); April 27, 1943.

Blake Manufacturing Company, 432 S. Main Street, Los Angeles, California; Leather Jackets; 3 learners (T); April 27, 1943.

Cancelli and Desiderio, 642 N. Broad Street, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); April 27, 1943.

Custom Made Shoulder Pad Company, 312 East 37th Street, Los Angeles, California; Shoulder Pads; 5 learners (T); April 24, 1943.

Allen S. Drissel, Chalfont Road, Line Lexington, Pennsylvania; Single pants; 5 learners (T); April 27, 1943.

F. P. Clothing, 181 Granite Street, Manchester, New Hampshire; Men's Topcoats, Overcoats, Sack Coats; 10 learners (T); September 14, 1942.

Jabour Manufacturing Company, 8463 1/2 S. Vermont, Los Angeles, California; Chenille Robes and Spreads, Flannel Jackets, Uniforms; 5 learners (T); April 27, 1943.

Reed Products, Inc., 201 N. Water Street, Milwaukee, Wisconsin; Sport Jackets, Herringbone Twill Jackets, Summer Flying Suits; 7 learners (T); April 27, 1943.

Royal Pants Company, 77 Swan Street, Buffalo, New York; Pants & Lumberjackets; 5 percent (T); April 27, 1943.

Sabel and Schaps, Inc., 87 Richardson Street, Brooklyn, New York; Men's Sack Coats; 5 percent (T); August 24, 1942.

Star Clothing Company, Inc., 216 Wal-labout Street, Brooklyn, New York; Children's Mackinaws and Coats; 5 learners (T); September 14, 1942.

Triangle Raincoat Company, Inc., 461 E. Federal Street, Youngstown, Ohio; Raincoats, Gabardines, Snowsuits, Army Mackinaws and Field Jackets; 10 percent; (T); April 27, 1943.



*Single Pants, Shirts and Allied Garments and Women's Apparel Industries*

Abingdon Pants Factory, Abingdon, Maryland; Pants; 10 percent (T); April 27, 1943.

Albion Manufacturing Company, Inc., Albion, Illinois; Washable Dresses; 10 percent (T); April 27, 1943.

American Dickey Corporation, 4th and Wiciniscoff Streets, Tower City, Pennsylvania; Dickey's, Collarettes; 10 learners (T); April 27, 1943.

Allen Garment Company, Franklin, Kentucky; Cotton & Flannel Work Shirts; 10 percent (T); April 27, 1943.

Amoskeag Pajama Company, Inc., North Upper Canal Building; Manchester, New Hampshire; Pajamas; 5 learners (T); April 27, 1943.

Baldwin Shirt Company, 1725 Brand Boulevard, Glendale, California; Custom-Made Shirts; 1 learner (T); April 27, 1943.

Belrose Sportwear, 260 Stone Avenue, Brooklyn, New York; Blouses, Dresses; 10 percent (T); September 14, 1942.

Best Coat and Apron Manufacturing Co., Inc., 408 E. 59th Street, New York, N. Y.; Washable Wearing Apparel; 10 percent (T); October 27, 1942.

Bestlyne Company, 708 Broadway, New York, N. Y.; Bathing Suits and Beach Wear; 10 learners (T); September 14, 1942.

Beverly Manufacturing Company, 656 S. Los Angeles Street, Los Angeles, California; Dresses, Blouses; 5 learners (T); April 27, 1943.

A. A. & H. Bezzi, Inc., 352 Fourth Avenue, New York, N. Y.; Baby Caps and Bonnets; 10 percent (T); October 27, 1942.

Joseph B. Buchwald, 621 Broadway, New York, N. Y.; Shoulder Straps; 2 learners (T); October 27, 1942.

Burlington Manufacturing Company, 900 Washington Street, Kansas City, Missouri; Work Clothing; 10 percent (T); April 27, 1943.

C. C. Dress Company, Reaney Building, St. Johnsville, New York; Dresses; 5 learners (T); April 27, 1943.

Cherni Manufacturing Company, 911 Broadway, Kansas City, Missouri; Ladies' Sportswear; 14 learners (E); August 10, 1942.

Continental Undergarment Co., Inc., One Junius Street, Brooklyn, New York; Ladies' Underwear; 10 percent (T); September 14, 1942.

Cordele Manufacturing Company, Cordele, Georgia; Trousers; 10 percent (T); April 27, 1943.

D & D Sewing Company, Delta, Pennsylvania; Boys' Wash Suits; 5 learners (T); April 27, 1943.

D & D Sewing Company, 1360 N. George Street, York, Pennsylvania; Boys' Wash Suits; 10 percent (T); April 27, 1943.

Dainty Kiddie Cap Company, Inc., 40 West 25th Street, New York, N. Y.; Infants' Headwear; 10 percent (T); October 27, 1942.

Desirable Frocks, 304 Ninth Street, Jersey City, N. J.; Children's Dresses, Playsuits; 7 learners (T); April 27, 1943.

Dorsa Dresses, Inc., 808 Washington Avenue, St. Louis, Missouri; Dresses; 10 learners (T); April 27, 1943.

Dress-Kraft Corporation, 1004 Elizabeth Avenue, Elizabeth, New Jersey; Women's Slacksuits, Playsuits, Blouses; 5 learners (T); April 27, 1943.

Emmaus Dress Company, Inc., 541-543 North Street, Emmaus, Pennsylvania; Ladies' Streetwear, Dresses; 5 learners (T); April 27, 1943.

Energy Overall Manufacturing Company, 5th and Wacouta Streets, St. Paul, Minnesota; One Piece Suits; 10 learners (T); April 27, 1943.

Mr. Elias Epstein, 158 Bullard Street, New Bedford, Massachusetts; Slacks, Playsuits; 10 learners (T); April 27, 1943.

Frank Eyre, Lawn Avenue, Sellersville, Pennsylvania; Trousers; 5 learners (T); April 27, 1943.

Fashion Dress Company, 426 N. Main Street, Pittston, Pennsylvania; Dresses; 10 learners (T); April 27, 1943.

Favorite Underwear Company, Inc., 515-519 Broadway, New York, New York; Children's Underwear; 10 percent (T); September 7, 1942.

Fay Sportwear Company, High Street, Burlington, New Jersey; Dresses; 5 learners (T); April 27, 1943.

Felicity Fashion Division, Community Industries Association, 821 S. Hamilton Street, Sullivan, Illinois; Women's Dresses; 5 learners (T); April 27, 1943.

Fishman and Marion, Inc., Tylersport, Pennsylvania; Single Pants; 10 learners (T); October 27, 1942.

Fountain Hill Underwear Mills, Inc., Bishopthorpe and Cherokee Streets, Bethlehem, Pennsylvania; Men's & Women's & Children's Rayon & Cotton Underwear; 25 learners (E); October 27, 1942.

G & S Specialty Manufacturing Company, 218 Bedford Avenue, Brooklyn, New York; Sportswear, Snowsuits, Beachwear, Wash Suits; 10 percent (T); October 27, 1942.

Gegan Clothing Company, Fourth and Chestnut Streets, Perkasio, Pennsylvania; Men's Pants; 5 learners (T); April 27, 1943.

The H & W Company, Inc., 22 Lawrence Street, Newark, N. J.; Corsets, Girdles and Garter Belts, Brassieres; 10 learners (T); April 27, 1943.

Highland Crafts, Inc., Fairview Road, Biltmore, North Carolina; Women's Uniforms; 4 learners (T); April 27, 1943.

Home Manufacturing Company, 741 E. Eldorado Street, Decatur, Illinois; Washable Street and House Dresses; 10 percent (T); April 27, 1943.

Independent Coat and Apron Supply Corporation, 950 Dorchester Avenue, Boston, Massachusetts; Coats, Gowns, Aprons, White Pants; 5 learners (T); April 27, 1943.

M. Janowitch and Sons, Main and Market Streets, Mahanoy City, Pennsylvania; Dresses and Blouses; 30 learners (E); October 27, 1942.

William Klein Dress Company, 34 E. 3rd Street, Bethlehem, Pennsylvania; Ladies' Dresses; 10 percent (T); April 27, 1943.

Kline-Meyers Manufacturing Co., Inc., 340 E. Boundary Avenue, York, Pennsylvania; Work Shirts (Cotton), Flannel Shirts, Government Shirts; 10 percent (T); April 27, 1943.

Ladies Leader Garment Company, 400 First Avenue N., Minneapolis, Minnesota; Ladies' & Juniors Dresses; 10 percent (T); April 27, 1943.

Laros Textiles Company, E. Broad and Wood Streets, Bethlehem, Pennsylvania; Ladies' Woven Underwear; 40 learners (T); October 27, 1942.

Julius Leventhal and Brothers, Lykens, Pennsylvania; Shirts; 16 learners (E); October 27, 1942.

Malo-Maid Manufacturing Company, 407 East Pico Street, Los Angeles, California; Cotton Slacks, Jackets, Blouses, Play Clothes; 8 learners (T); April 27, 1943.

Maytime Dress Company, 1431 Capouse Avenue, Scranton, Pennsylvania; Dresses; 5 learners (T); April 27, 1943.

Melby Jean Garment Company, Bowling Green, Missouri; Ladies' Undergarments, Slips, etc.; 5 learners (T); April 27, 1943.

Milady Brassiere and Corset Company, Inc., 6 East 32nd Street, New York, N. Y.; Corsets and Brassieres; 10 learners (T); September 21, 1942.

A. Morganstern and Company, 6 West Lombard Street, Baltimore, Maryland; Men's Trousers; 1 learner (T); October 27, 1942.

Mt. Holly Dress Company, Inc., Murrell and Paxson Streets, Mt. Holly, New Jersey; Children's Cotton Dresses; 3 learners (T); April 27, 1943.

The Neatform Company, Inc., 635 Sixth Avenue, New York, N. Y.; Corsetettes, Girdles, Brassieres; 10 percent (T); October 27, 1942.

North Shore Manufacturing Company, 326 Michigan Street, Duluth, Minnesota; Slack Suits, Poplin Jackets; 10 learners (T); October 27, 1942.

O'Bryan Brothers, 190 Main Street, San Francisco, California; Ladies' & Children's Rayon Underwear; 5 learners (T); April 27, 1943.

Palmer Shirt Manufacturing Company, 477 Lehigh Street, Palmerton, Pennsylvania; Men's Shirts; 10 percent (T); April 27, 1943.

The Patricia Petticoat Company, Inc., 136 Madison Avenue, New York, N. Y.; Ladies' Silk Underwear; 10 percent (T); September 14, 1942.

Pearlwear Company, 811 W. Columbia Avenue, Philadelphia, Pennsylvania; Ladies' Dresses; 3 learners (T); April 27, 1943.

Peggy Lou Company, 860 S. Los Angeles Street, Los Angeles, California; Ladies' Cotton & Rayon Play Clothes, Blouses & Slack Suits; 5 learners (T); April 27, 1943.

Potash and Pelletier, Union Mill #1, Fall River, Massachusetts; Ladies' Sportswear; 5 learners (T); April 27, 1943.

Progressive Coat and Apron Manufacturing Company, 10th and Norris Streets, Philadelphia, Pennsylvania; Washable Serviceable Garments; 10 percent (T); April 27, 1943.

Puritan Pajama Corporation, 65 Bedford Street, Boston, Massachusetts; Pajamas; 5 learners (T); April 27, 1943.

The Roswell Company, Roswell, Georgia; Single Pants; 10 percent (T); April 27, 1943.



The Roswell Company, Roswell, Georgia; Single Pants; 50 learners (E); October 19, 1942.

Sandra Frocks, Inc., 3301 Chicago Road, Steger, Illinois; Dresses, Mosquito Bars; 10 percent (T); April 27, 1943.

Sawyer Barker Company, 120 Center Street, Portland, Maine; Men's & Boys' Work Clothes; 10 percent (T); April 27, 1943.

Shamokin Manufacturing Company, Inc., 100 N. Rock Street, Shamokin, Pennsylvania; Wash Dresses; 60 learners (E); August 26, 1942.

Solomon Brothers Company, 748 Broadway, New York, N. Y.; Men's Sport Shirts; 10 learners (T); September 14, 1942.

Style Form Brassiere Co., Inc., 49 West 27th Street, New York, N. Y.; Brassieres, Girdles; 10 percent (T); October 27, 1942.

Terminal Manufacturing Corporation, 1500 Hudson Street, Hoboken, New Jersey; Ladies' Underwear; 10 percent (T); April 27, 1943.

Tiny Grace Frocks, First and Ontario Streets, Philadelphia, Pennsylvania; Children's Cotton Dresses; 10 learners (T); April 27, 1943. (This certificate replaces one you now have for five learners bearing expiration date of September 29, 1942.)

Robert Treat Manufacturing Company, 204 Morris Avenue, Newark, New Jersey; Shirts and Shorts; 4 learners (T); April 27, 1943.

True Form Corset Company, 532 Arch Street, Philadelphia, Pennsylvania; Corsets; 5 learners (T); April 27, 1943.

Troy District Shirt Company, Inc., 305 Ontario Street, Cohoes, New York; Men's Shirts; 30 learners (E); September 21, 1942.

Union Manufacturing Company, 901 E. Missouri Street, El Paso, Texas; Men's Cotton Pants and Shirts; 25 learners (E); October 27, 1942.

R. Weber, 72 Madison Avenue, New York, N. Y.; Ladies' Slips; 10 learners (T); September 7, 1942.

Weil-Kalter Manufacturing Company, Washington & Lafayette Streets, Millstadt, Illinois; Woven and Knitted Underwear; 10 learners (E); October 27, 1942.

Well-Made Novelty Company, S. Murray Street, Bangor, Pennsylvania; Ladies' Blouses; 10 percent (T); April 27, 1943.

#### Artificial Flowers and Feathers

Artificial Leaf Corporation, 104 Bleecker Street, New York, N. Y.; Artificial Flowers and Feathers; 15 learners (T); June 8, 1942.

John Kivo, Inc., 45 West 27th Street, New York, N. Y.; Artificial Flowers and Feathers; 3 learners (T); June 8, 1942.

Joseph Markovitz, Inc., 2050 Third Avenue, New York, N. Y.; Artificial Flowers and Feathers; 8 learners (T); June 8, 1942.

Zunino-Altman, 120 E. 16th Street, New York, N. Y.; Artificial Flowers and Feathers; 16 learners (T); June 8, 1942.

#### Gloves

Alma Knitting Mills, Inc., 11 East Pine Street, Gloversville, New York; Knit

Wool Gloves; 10 percent (T); April 27, 1943.

Dinberg Glove Corporation, 215 Gilbert Street, Ogdensburg, New York; Leather Dress Gloves; 5 learners (T); April 27, 1943.

Gloversville Knitting Company, Congress Street, Schenectady, New York; Knit Wool Gloves; 10 percent (T); April 27, 1943.

Joseph A. Milstein Company, 64 Trinity Place, Albany, New York; Knit Wool Gloves; 60 learners (E); October 27, 1942.

Ray Brothers Glove Company, Inc., 1701 N. Ashland Avenue, Chicago, Illinois; Leather Dress Gloves; 10 percent (T); April 27, 1943.

#### Hosiery

Blue Line Hosiery Mills, Denver, Pennsylvania; Full Fashioned Hosiery; 5 percent (T); April 27, 1943.

Berryville Mills, Inc., Boom Road, Berryville, Virginia; Full Fashioned Hosiery; 5 learners (T); April 27, 1943.

East Shore Hosiery Mills, Franklin Avenue, Berlin, Maryland; Full Fashioned Hosiery; 5 learners (T); April 27, 1943.

Holeproof Hosiery Company, Rose Lane Street, Marietta, Georgia; Seamless Hosiery; 5 percent (T); April 27, 1943.

Holt Hosiery Mills, Inc., W. Harden Street, Graham, North Carolina; Full Fashioned Hosiery; 5 learners (T); April 27, 1943.

Hoover Hosiery Company, Kerr Street, Concord, North Carolina; Seamless and Full Fashioned Hosiery; 5 percent (T); April 27, 1943.

Industrial Hosiery Mills, Inc., Summit and Chestnut Streets, Mohnton, Pennsylvania; Seamless Hosiery; 5 learners (T); April 27, 1943.

Irving Knitting Mills, Lexington, North Carolina; Seamless Hosiery; 4 learners (T); April 27, 1943.

J. W. Landenberger and Company, Castor and Kensington Avenues, Philadelphia, Pennsylvania; Seamless Hosiery; 5 percent (T); April 27, 1943.

Edward Sharp, 1234 Carpenter Street, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 4 learners (T); October 27, 1942.

Unrivaled Hosiery Mill, Inc., Williams-town, Pennsylvania; Seamless Hosiery; 5 percent (T); April 27, 1943.

West Point Hosiery Company, Garfield Avenue, West Point, Pennsylvania; Full Fashioned Hosiery; 4 learners (T); April 27, 1943.

#### Knitted Wear

Arcadia Knitting Mills, Inc., Allentown, Pennsylvania; Knitted Underwear; 5 percent (T); April 27, 1943.

Caray Corporation, 1335 West Lake Street, Chicago, Illinois; Knitted Underwear; 5 learners (T); April 27, 1943.

E-Z Mills, Inc., Cartersville, Georgia; Knitted Underwear; 5 percent (T); April 27, 1943.

Empire Knitting Mills, Inc., Front and Tradd Streets, Statesville, North Carolina; Knitted Underwear; 5 learners (T); April 27, 1943.

Geissler Knitting Mill, Hemlost Street and Sherman Ct., Hazleton, Pennsylvania; Knitted Underwear and Sweaters (Men's & Boys'); 5 percent (T); April 27, 1943.

Mayflower Undergarment Company, 2430 Atlantic Avenue, Brooklyn, New York; Knitted Underwear and Knitted Outerwear; 5 learners (T); September 14, 1942.

The Rivoli Mills, 2300 East 28th Street, Chattanooga, Tennessee; Knitted Underwear, Sweaters or Jackets, all cotton polo shirts; 5 learners (E); October 27, 1942.

Trojan Athletic Wear Company, 1115 Washington Avenue, Bay City, Michigan; Sweaters and Knitwear, Embroidered Jackets, Athletic Clothing, etc.; 1 learner (T); October 27, 1942.

#### Textile

Eagle and Phenix Mills, 1225 Front Avenue, Columbus, Georgia; Cotton Cloth Rope; 50 learners (T); April 27, 1943.

Bradley Manufacturing Company, 1100 10th Avenue, Columbus, Georgia; Yarn and Cotton Cloth; 17 learners (T); April 27, 1943.

Grove Silk Company, 150 East Grove Street, Dunmore, Pennsylvania; Silk Rayon, Nylon and Combination Yarns; 3 percent (T); April 27, 1943.

Lenjo Fabrics, Inc., 11th Street and Grand Central Avenue, Elmira Heights, New York; Rayon; 3 learners (T); April 27, 1943.

Raycraft Textiles, Inc., 6th and Cypress Streets, Lehigh, Pennsylvania; Rayon Dress Goods; 3 learners (T); April 27, 1943.

U. S. Rubber Company—Winnsboro Mills, Winnsboro, South Carolina; Tire cord and Yarn; 3 percent (T); April 27, 1943.

Signed at New York, N. Y., this 25th day of April 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-3750; Filed, April 28, 1942; 10:09 a. m.]

#### NOTICE OF CANCELLATION OF SPECIAL LEARNER CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed at any one time five workers issued to Roland Weinbaum, 4 Brooks Avenue, Quincy, Massachusetts, on September 15, 1941, and as amended on September 29, 1941, to permit the employment of not to exceed ten learners at any one time, has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party



pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 24th day of April 1942.

ALEX G. NORDHOLM,  
Duly Authorized Representative  
of the Administrator.

[F. R. Doc. 42-3747; Filed, April 28, 1942;  
10:08 a. m.]

#### NOTICE OF CANCELLATION OF SPECIAL LEARNER CERTIFICATE FOR THE EMPLOY- MENT OF LEARNERS IN THE WOMEN'S AP- PAREL INDUSTRY

Notice is hereby given that the special certificate, effective between December 8, 1941, and December 8, 1942, authorizing the Neu-Mode Company, of 618-620 Cherry Street, Philadelphia, Pennsylvania, to employ at any one time not in excess of five learners has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 24th day of April 1942.

ALEX G. NORDHOLM,  
Duly Authorized Representative  
of the Administrator.

[F. R. Doc. 42-3748; Filed, April 28, 1942;  
10:08 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 4572]

#### IN THE MATTER OF MANHATTAN BREWING COMPANY, A CORPORATION

#### ORDER APPOINTING TRIAL EXAMINER AND FIX- ING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 7, 1942, at nine o'clock

in the forenoon of that day (Central Standard Time), in the Hotel Sherman, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-3773; Filed, April 28, 1942;  
11:08 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

#### ORDER NO. 1 UNDER REVISED PRICE SCHED- ULE NO. 86—DOMESTIC WASHING MA- CHINES AND IRONING MACHINES

#### APPROVAL OF PRICES OF ALTERED MODELS OF BARLOW & SEELIG MANUFACTURING COM- PANY

On April 1, 1942, Barlow & Seelig Manufacturing Company, Ripon, Wisconsin, filed an application pursuant to § 1380.3 (b) (2) of Revised Price Schedule No. 86, for approval of maximum prices for Speed Queen Washers Model Nos. 410, 510, 615 as altered according to specifications set forth in the aforesaid application. Due consideration has been given to the application, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Barlow & Seelig Manufacturing Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the altered Speed Queen Washer Model Nos. 410, 510, 615 at prices not in excess of those set forth in paragraph (b) hereof. Any person may buy and receive, and agree, offer, solicit and attempt to buy or receive such altered models at such prices from Barlow & Seelig Manufacturing Company.

(b) (1) The maximum price for Speed Washer Model Nos. 410, equipped with wringer No. 823, shall be \$0.48 less than the maximum price established for Speed Queen Washer Model No. 410 by § 1380.1 of Revised Price Schedule No. 86.

(2) The maximum price for Speed Queen Washer Model No. 510, equipped with wringer No. 7005, shall be \$0.23 less than the maximum price established for Speed Queen Washer Model No. 510 by § 1380.1 of Revised Price Schedule No. 86.

(3) The maximum price for Speed Queen Washer Model No. 615, equipped with wringer No. 7003, shall be \$1.02 less than the maximum price established for Speed Queen Washer Model No. 615 by § 1380.1 of Revised Price Schedule No. 86.

17 FR. 1867, 1836, 2132.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1380.9 of Revised Price Schedule No. 86 shall apply to terms used herein.

This Order No. 1 shall become effective April 30, 1942. Issued this 27th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3746; Filed, April 28, 1942;  
9:21 a. m.]

#### SECURITIES AND EXCHANGE COM- MISSION.

[File No. 70-533]

#### IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 25th day of April, A. D. 1942.

Notice is hereby given that an application or declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Eastern Shore Public Service Company (Del.), a registered holding company.

Notice is further given that any interested person may, not later than May 13, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Eastern Shore Public Service Company (Del.) has outstanding at the present time its 2-year 3% note in the principal amount of \$1,000,000 due May 20, 1942, payable to The Chase National Bank of the City of New York, and collateralized by \$1,100,000 principal amount of its First Mortgage and First Lien Bonds, Series C, 5%, due September 1, 1946. Eastern Shore Public Service Company proposes, on May 20, 1942, to issue and deliver to The Chase National Bank a new 3% note in the principal amount of \$1,000,000, due May 20, 1944, secured by the collateral which secured the maturing note, and to use the proceeds received by it, together



with such funds of its own as may be required, to pay the principal amount and accrued interest on the maturing note.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3751; Filed, April 28, 1942;  
10:12 a. m.]

[File No. 70-463]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY, THE GENERAL FINANCE CORPORATION, AND METROPOLITAN INVESTING COMPANY (PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 25th day of April, A. D. 1942.

NY PA NJ Utilities Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an amendment to its application and declaration, which amendment was later amended, pursuant to sections 6 (a), 7, 9 (a), 10, 12 (c), and 12 (f) of the Act and Rules U-42 and U-43 promulgated thereunder; and

The General Finance Corporation, a subsidiary of Shinn & Co., which, in turn, is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, having filed a declaration and application, as amended, pursuant to sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (f), and Rules U-42 and U-43 promulgated thereunder; and

Metropolitan Investing Company, a subsidiary of The General Finance Corporation, having filed a declaration and application, as amended, pursuant to sections 12 (c) and 12 (f) and Rules U-42 and U-43 promulgated thereunder, all regarding the following complementary transactions:

The General Finance Corporation proposes to merge Metropolitan Investing Company into itself and thereby acquire all the assets of the company and assume all its liabilities. After the merger, The General Finance Corporation proposes to sell the following securities to NY PA NJ Utilities Company:

(a) 53,850 shares of \$6 Cumulative Preferred Stock of Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, at 105, for \$5,654,250;

(b) \$4,307,500 principal amount of National Public Service Corporation Secured Gold Debentures, 5% Series, due 1978, at 25% of face value, or for \$1,076,875;

(c) \$10,928,000 principal amount of Certificates of Deposit for National Public Service Corporation Secured Gold Debentures, 5% Series, due 1978, at 25% of face value, or for \$2,732,000;

(d) \$213,500 principal amount of The Metropolitan Edison Corporation Se-

cured Consolidated Refunding Gold Bonds, 6% Series, due 1961, at 95% of face value, or for \$204,960;

(e) \$396,600 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1991, at 103% of face value, or for \$408,498.

NY PA NJ Utilities Company proposes to acquire such securities in consideration of the assumption by it of all the liabilities of The General Finance Corporation (with the exception of such liabilities of The General Finance Corporation owing to NY PA NJ Utilities Company, which are to be cancelled by the latter, and with the exception of current and accrued liabilities, which are to be satisfied out of available cash, on the dissolution of The General Finance Corporation) and the liquidation and satisfaction by NY PA NJ Utilities Company of indebtedness payable by The General Finance Corporation to it in an amount equal to the excess of the purchase price over the liability assumed. The liability to be assumed by NY PA NJ Utilities Company includes a 3% promissory demand note, dated October 1, 1938, in the face amount of \$1,024,336.26, payable to Associated Utilities Corporation, a registered holding company and a subsidiary of said Trustees of Associated Gas and Electric Corporation, on which \$500,000 is presently owing. After the transfer of the assets proposed herein to be sold by The General Finance Corporation to NY PA NJ Utilities, The General Finance Corporation, as part of the program contemplated by the complementary applications and declarations, will dissolve.

Such amendment by NY PA NJ Utilities Company to its declaration and application and such declarations and applications by The General Finance Corporation and Metropolitan Investing Company having been filed on February 6, 1942, and the last amendment thereto having been filed on April 1, 1942, and notice of said filing having been duly given in the form and manner prescribed under Rule U-23 of the Rules and Regulations promulgated pursuant to said Act; and

The Commission not having received a request for hearing with respect to said amendment and to said applications and declarations, as amended, within the period specified in said notice or otherwise ordered a hearing thereon; and

The Commission finding, with regard to said amendment to the declaration and application and to such declarations and applications, as amended, that the requirements of sections 7, 12 (c) and 12 (f) and Rules U-42 and U-43 have been satisfied, and that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act and that the transactions involved have the tendency required by section 10 (c) (2) of the Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations and applications, as amended, on the part of The General Finance Corporation and Metropolitan Investing Company, be and

hereby are permitted to become effective, and be and hereby are granted and that the amendment, as amended, to the application and declaration of NY PA NJ Utilities Company (Transactions A, B, and C) be, and hereby is permitted to become effective and be and hereby is granted.

It is further ordered, That jurisdiction be and is hereby reserved with respect to the accounting treatment to be accorded to the acquisition of the assets of The General Finance Corporation on the books of NY PA NJ Utilities Company.

By the Commission. (Commissioner Healy dissented for the reasons set forth in his memorandum of April 1, 1940.)

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3752; Filed, April 28, 1942;  
10:12 a. m.]

[File No. 70-529]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, AND NY PA NJ UTILITIES COMPANY

[File No. 70-530]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, AND ASSOCIATED UTILITIES CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of April, A. D. 1942.

Notice is hereby given that applications and declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company (hereinafter sometimes referred to as the "Trustees"), and NY PA NJ Utilities Company, a registered holding company (hereinafter sometimes referred to as NY PA NJ) and a subsidiary of the Trustees of Associated Gas and Electric Corporation, (File No. 70-529), and by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and Associated Utilities Corporation, (File No. 70-530). All interested persons are referred to said applications and declarations, which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

There is proposed (File No. 70-530) the dissolution and liquidation of Associated Utilities Corporation as outlined by the following steps:

(a) Utilities will transfer and distribute all its assets to the Trustees, the owners of all its outstanding capital stock.

(b) The Trustees will surrender to Utilities for cancellation and retirement all the outstanding capital stock of Utilities.



(c) The Trustees will cancel the convertible obligation due March 1, 1963, in the face amount of \$90,000,000 (now reduced by payment to \$83,747,814.66) issued by Utilities and held by the Trustees, together with accrued interest thereon.

(d) The Trustees will cancel the open account in the sum of \$263,013.04, owing by Utilities to the Trustees, together with accrued interest thereon.

(e) The Trustees will assume all the liabilities of Utilities as shown by its books at the time of the transfer of its assets to the Trustees.

Upon the dissolution of Associated Utilities Corporation the following transactions are proposed (File No. 70-529):

I. The contribution by the Trustees to NY PA NJ of the following securities and open account indebtedness (but not the accrued interest thereon):

(a) \$3,166,000 aggregate principal amount of various bonds and debentures issued or assumed by NY PA NJ, consisting of:

(i) \$111,600 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series due 1961.

(ii) \$1,584,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds due 1981.

(iii) \$19,000 principal amount of Rochester Central Power Corporation 5% Debentures, Series A, due 1953.

(iv) \$1,281,000 principal amount of NY PA NJ Utilities Company 5% Debentures due 1952, and

(v) \$170,400 principal amount of NY PA NJ Utilities Company Secured 5% Debentures due 1956;

(b) \$24,478,251.18 of open account indebtedness now owed by NY PA NJ to Associated Utilities Corporation;

(c) A demand promissory note dated October 1, 1938, in the face amount of \$1,024,338.26, now reduced by payment to \$500,000, payable to Associated Utilities Corporation by The General Finance Corporation, and to be assumed by NY PA NJ in connection with the acquisition by NY PA NJ of certain assets of The General Finance Corporation;

(d) \$245,000 principal amount of Twenty-five Year 6% Income Debentures of Keuka Lake Power Corporation and 2,450 shares of Common Stock of Keuka Lake Power Corporation;

upon the condition that NY PA NJ cancel or otherwise retire all its debt securities or other indebtedness which will be so contributed and redeem its outstanding \$3.00 Non-Cumulative Preferred Stock without par value now consisting of 5,694.6 shares, at the redemption price of \$26.00 per share, or a total redemption price of \$148,059.60;

II. The redemption by NY PA NJ of its entire outstanding \$3.00 Non-Cumulative Preferred Stock without par value, now consisting of 5,694.6 shares, at the aforementioned redemption price. The Company intends to apply to the Bureau of Internal Revenue for a closing agreement to the effect that no Federal tax liabilities will result to NY PA NJ from

the proposed contribution of the \$24,478,251.18 open account indebtedness, and the consummation of the contribution of the \$24,478,251.18 open account indebtedness is made expressly contingent upon obtaining such closing agreement.

The applicants and declarants consider sections 9 (a), 10, 12 (b), 12 (c) and 12 (f) of the Act and Rules U-42, U-43 and U-45 of the General Rules and Regulations as being applicable to the proposed transaction.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to the said declarations and applications and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered among other things the various matters hereinafter set forth;

It further appearing that all of the foregoing matters are related and involve common questions of law and fact and that evidence offered in respect of each of the matters may have a bearing on the others and that substantial savings in time, effort and expense, and substantial progress toward the speedy and effective carrying out of the purposes of the Act and of the applicable provisions thereof will result if the hearings in said matter are consolidated so that they may be heard as one matter and that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is hereby ordered, That the said proceedings be consolidated for hearing and that a hearing be held thereupon on May 19, 1942 at 10 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder;

2. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers;

3. What disposition is to be made of certain claims by Atlantic Utility Service Corporation against Associated Utilities Corporation, and of certain accounts receivable allegedly payable by Associated Utilities Corporation, and any other claims which have been made or will be made against Associated Utilities Corporation;

4. Whether terms and conditions are necessary to be imposed to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or order promulgated thereunder;

5. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or order promulgated thereunder.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors or consumers. It is requested that any person desiring to be heard and to be admitted as a party to such proceeding shall file with the Secretary of the Commission on or before May 14, 1942, his request for application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3753; Filed, April 28, 1942;  
10:12 a. m.]

[File No. 70-514]

IN THE MATTER OF NEW ENGLAND GAS AND  
ELECTRIC ASSOCIATION, APPLIANCE CREDIT  
CORPORATION, AND NEGEA SERVICE COR-  
PORATION

ORDER PERMITTING DECLARATIONS TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of April 1942.

New England Gas and Electric Association, a registered holding company, and Appliance Credit Corporation and Negea Service Corporation, subsidiary service companies thereof, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10 and 12, and Rules U-42 and U-43 promulgated thereunder, regarding the following transactions:

Negea Service Corporation will issue for cash to New England Gas and Electric Association 500 additional shares of common stock of a par value of \$100 per share. Negea Service Corporation will then purchase the assets, subject to the liabilities, of Appliance Credit Corporation for cash at the book value of \$52,735.23. New England Gas and Electric Association will then surrender to Appliance Credit Corporation its present holdings of 500 shares of common stock, of a par value of \$100 per share, of the latter corporation and will receive, as a



liquidation dividend, cash in the amount of \$50,000.00, representing the total stated value of Appliance Credit Corporation's stock. Earned surplus amounting to \$2,735.23 of Appliance Credit Corporation will be distributed by Appliance Credit Corporation to the subsidiaries of New England Gas and Electric Association in proportion to their respective interests therein. Upon completion of these transactions Appliance Credit Corporation will then cancel its common shares and dissolve.

Said declarations and applications having been filed on March 14, 1942, and certain amendments having been filed thereto, the last of said amendments having been filed on April 23, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations or applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to section 12 and Rules U-42 and U-43 promulgated thereunder to become effective, and the Commission finding with respect to the said application under section 6 (b) of said Act that the requirements of section 6 (b) have been satisfied and with respect to said application under section 10 of said Act that no adverse

findings are necessary under section 10 (b) or 10 (c) (1) and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

*It is hereby ordered*, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be and hereby are permitted to become effective and that the aforesaid applications be and hereby are granted forthwith, subject however, to the further condition that nothing in this order shall be construed as an approval of the functions of Negea Service Corporation as outlined in its declaration pursuant to section 13 of the said Act (File No. 37-43), which declaration is presently pending before the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3754; Filed, April 28, 1942;  
10:13 a. m.]

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY  
SERVICE CORPORATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of April, A. D. 1942.

Atlantic Utility Service Corporation having filed with the Commission an

amendment to its application for approval as a mutual service company, pursuant to the Public Utility Holding Company Act of 1935, and particularly section 13 thereof and the rules promulgated thereunder; and

The Commission having ordered a hearing on such amendment to the application, which hearing was postponed at various times, at the request of applicant, Atlantic Utility Service Corporation; and

At the request of said applicant the hearing therein having been continued, on April 17, 1942, to 10 a. m., April 28, 1942; and

Applicant now requesting that the hearing date be postponed from April 28, 1942, to 10 a. m., May 11, 1942; and

The Commission being of the opinion that said request may appropriately be granted;

*It is ordered*, That the date of the hearing in the above-entitled matter be and hereby is postponed from April 28, 1942, to May 11, 1942, at 10 o'clock, a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on said day by the hearing room clerk, before the officer of the Commission previously designated herein.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3755; Filed, April 28, 1942;  
10:13 a. m.]